



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० २७] नई दिल्ली, शनिवार, जुलाई ८, १९६७/आषाढ़ १७, १८८९

No. 27] NEW DELHI, SATURDAY, JULY 8, 1967/ASADHA 17, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र २३ जून १९६७ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 23rd June 1967 :—

Issue No.	No. and Date	Issued by	Subject
324	S.O. 2125, dated 21st June, 1967.	Election Commission, India.	Calling upon the elected members of the Legislative Assembly of the State of Uttar Pradesh elect a person to fill the vacancy in the Council of States of the said State.
	S.O. 2126, dated 21st June, 1967.	Do.	Appointment of dates for the above election (S.O. 2125).
	S.O. 2127, dated 21st June, 1967.	Do.	Fixation of hours for the above election (S.O. 2125).
	S.O. 2128, dated 21st June, 1967.	Do.	Designating the Secretary, Uttar Pradesh Legislature to be the Returning Officer for the above election. (S.O. 2125).
	S.O. 2129, dated 21st June, 1967.	Do.	Appointing the Secretary, Uttar Pradesh Legislative Assembly to assist the Returning Officer for the above election (S.O. 2025.)

Issue No.	No. and Date	Issued by	Subject
325	S.O. 2130, dated 21st June, 1967.	Ministry of Health & Family Planning.	Nominating Dr. S. Chandrasekhar as the President of the All India Institute of Medical Sciences, New Delhi.
326	S.O. 2131, dated 21st June, 1967.	Election Commission India.	Amendment in notification No. 508/AS/66, dated 1st January, 1967.
327	S.O. 2132, dated 22nd June, 1967.	Ministry of Railways	Appointment of Shri M.S. Veeraraghavan, I.A.S. Collector and District Magistrate, Nizamabad as a claims Commissioner to deal with all the claims of the accident to Train No. 26 UP Bangalore City Cochin Harbour Terminus Island Express on 21st May 1967 at Kuppam on the Bangalore-Jalarpet single line section of Madras Division of the Southern Railway.
	एस० ओ० 2133, दिनांक 22 जून, 1967।	रेल मंत्रालय	श्री एम०एस०वीरराघवन, आई०ए०एस० को जो निजामाबाद में कलक्टर और जिला मैजिस्ट्रेट थे, पर्गकालिक दावा आयुक्त के रूप में नियुक्त किया गया है। उनको नियुक्ति कुप्पम में हुई रेलवे दुर्घटना (गाडी नं० २६ अप बंगलौर सिटी-कोच्चिन हाबर टर्मिनस आइलैंड एक्सप्रेस) के कारण उत्पन्न दावों के निबटारे के लिए हुई है जो २१-५-६७ को घटित हुई थी।
329	S.O. 2133, dated 22nd June, 1967.	Ministry of Commerce	Nominating some more persons as additional members of the Central Silk Board.
	S.O. 2134, dated 23rd June, 1967.	Ministry of Food, Agriculture, Community Development & Cooperation.	Substitution of date.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 26th June 1967

S.O. 2241.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Goa, Daman and Diu hereby nominates Shri R. L. Segel as the Chief Electoral Officer for the Union Territory of Goa, Daman and Diu with effect from the date he takes over charge and until further order *vice* Shri P. B. Venkatasubramanian.

[No. 154/22/67.]

ORDERS

New Delhi, the 15th June 1967

S.O. 2242.—Whereas the Election Commission is satisfied that Prof. Ram Shreshtha Mishra of Moh. Baradari Katra, P.O. Chapra, District Saran (Bihar), a contesting candidate for election to the House of the People from Maharajganj constituency, has failed to lodge an account of his election expenses within the time required by the Representation of the People Act, 1951, and the Rules made thereunder and has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Prof. Mishra to be disqualified for being chosen as and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of State for a period of three years from the date of this order.

[No. BR-HP/7/67.]

New Delhi, the 24th June 1967

S.O. 2243.—Whereas the Election Commission is satisfied that Shri Parmananda Karmi of Chhanda Pali P.O. Tamparsara, District Sambalpur, a contesting candidate for election to the House of the People from Sambalpur constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder; and has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Parmananda Karmi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/16/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th June 1967

S.O. 2244.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President thereby makes the following rules to amend the Tripura Employees (Revision of Pay and Allowances) Rules, 1963, namely:—

1. (1) These rules may be called the Tripura Employees (Revision of Pay and Allowances) Amendment Rules, 1967.

(2) They shall be deemed to have come into force from the first day of the month following the month of issue of these rules.

2. In Part I of Schedule I to the Tripura Employees (Revision of Pay and Allowances) Rules, 1963—

Under the heading "Panchayat Raj Office" after item 5 the following entries shall be inserted under columns 1, 2, 3, and 4 respectively:—

Panchayat Extension Officer Rs. 150—300 Rs. 200—10—400"

[No. 2/35/63-MT(HMT).]

V. P. MALHOTRA, Dy. Secy.

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

ESTATE DUTY

New Delhi, the 2nd June 1967

S.O. 2245.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri G. R. Raghavan, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Madras and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-ED, dated the 22nd May, 1964, namely:—

In the Schedule to the said notification, for the entry,

"5. Shri G. B. Gonsalves, Assistant Commissioner of Income-tax, Madras,"

the following entry shall be substituted, namely:—

"5. Shri G. R. Raghavan, Assistant Commissioner of Income-tax, Madras."

2. This notification shall be deemed to have come into force on the forenoon of the 22nd day of May, 1967.

[No. 10/F. No. 1/9/67-ED.]

WASIQ ALI KHAN, Dy. Secy.

(Department of Revenue and Insurance)

INSURANCE

New Delhi, the 26th June 1967

S.O. 2246.—In exercise of powers conferred by the first proviso to sub-section (1) of section 2C of the Insurance Act, 1938 (4 of 1938), the Central Government hereby exempts Boda Bros. Private Limited, an insurer incorporated in the State of Maharashtra as a private company, from the operation of the said section for a period of three years from 5th April, 1967, for the purpose of carrying on, as an insurer specified in sub-clause (c) of clause (9) of section 2 of the said Act, the business of fire insurance.

[No. 107-IG(1)/67.]

RAJ K. NIGAM, Dy. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 29th June 1967

S.O. 2247.—It is hereby notified for general information that the institution mentioned below has been approved by the Council of Scientific and Industrial Research, the 'prescribed authority' for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

Instruction

Birla Planetarium and Astronomical Research Centre, Calcutta.

[No. 49/F.No.10/27/67-IT(AI).]

JAGDISH CHAND, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES**ESTATE DUTY**

New Delhi, the 22nd June 1967

S.O. 2248.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and the partial modification of its notification No. 9/F.No.1/9/67-ED dated the 22nd May, 1967 published as S.O. 1983 in Part II, section 3(ii) of the Gazette of India dated the 10th June, 1967, the Central Board of Direct Taxes hereby directs that Shri G. R. Raghavan, an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue and Insurance) No. 10/F.No. 1/9/67-ED, dated the 22nd June, 1967, shall perform the functions of an Appellate Controller of Estate Duty in respect of—

- (a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, and
- (b) the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty,

where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed such orders—

- (i) in any area comprised within the jurisdictions of the Commissioners of Income-tax mentioned below:—

Commissioner of Income-tax, Madras-I,
Commissioner of Income-tax, Madras-II,
Commissioner of Income-tax, Kerala,
Commissioner of Income-tax, Mysore,
Commissioner of Income-tax, Andhra Pradesh;

Or

- (ii) in respect of any of the estates of the deceased persons who were being assessed to income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Madras.

2. This notification shall be deemed to have come into force on the forenoon of the 22nd day of May, 1967.

[No. 11/F. No. 1/9/67-ED.]

WASIQ ALI KHAN, Secy.

INCOME-TAX

New Delhi, the 28th June 1967

S.O. 2249.—In exercise of the powers conferred by Section 126 of the Income Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby deletes Serial Nos. 2B and 49 and the entries there against from the Schedule annexed to its Notification S.R.O. 1214 (No. 44-Income-tax), dated the 1st July, 1952.

[No. 3—F. No. 55/34/67-IT]

S.O. 2250.—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961) the Central Board of Direct Taxes makes the following

addition to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT), dated the 18th May, 1964:

After Serial No. 26 in the said Schedule, the following item shall be added:

1	2	3	4	5	6
27	All employees, whether Civil or Military, who are members of, or are attached to the Military Accounts Department and are under the audit control of the Controller of Defence Accounts, Other Ranks, Madras.	2nd Income-tax Officer, Salaries, Circle I, Madras	Inspecting Assistant Commissioner of Income-tax who has been appointed to perform the functions of an Inspecting Assistant Commissioner in respect of Salaries Circle I, Madras.	Appellate Assistant Commissioner of Income-tax who has been invested with powers to hear appeals against the decision of the Income-tax Officer referred to in column 3.	Commissioner of Income Tax, Madras II, Madras.

[No. 4—F. No. 55/34/67-IT]

S.O. 2251.—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes makes the following amendments to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT), dated the 18th May, 1964.

For the existing entries appearing against Serial No. 2 in the said Schedule, the following shall be substituted.

1	2	3	4	5	6
2	All employees under the audit control of the Director of Audit and Accounts, Posts and Telegraphs, Madras working in the office situated within the State of Madras and the Union Territory of Pondicherry excluding Mahe and Yanam.	2nd Income Tax Officer, Salaries Circle I, Madras.	Inspecting Assistant Commissioner of Income-tax who has been appointed to perform the functions of an Inspecting Asstt. Commissioner in respect of Salaries Circle I, Madras.	Appellate Assistant Commissioner of Income-tax who has been invested with powers to hear appeals against the decision of the Income Tax Officer referred to in column 3.	Commissioner of Income Tax Madras II, Madras.

[No. 5—F. No. 55/34/67-IT]

New Delhi, the 30th June 1967

S.O. 2252.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct taxes hereby makes the

following addition to the Schedule annexed to its Notification No. 1 (F. No. 15/233/63-IT) dated the 18th May, 1964:

After S. No. 27 in the said schedule, the following item shall be added:

1	2	3	4	5
Employees of the Office of the Textile Commissioner, stationed in Bombay.	1st Income Tax Officer, Salaries Branch, Bombay.	Inspecting Assistant Commissioner, P-Range, Bombay.	Appellate Assistant Commissioner, P-Range, Bombay.	Commissioner of Income Tax City-I, Bombay.

[No. 6—F.No. 55/128/67-IT(A.II).]

S.O. 2253.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule annexed to its Notification S.R.O. 1214 (No. 44-Income-tax) dated the 1st July, 1952:—

The existing item 3 under Column 2 against S. No. 52 of the said schedule shall be substituted by the following:—

- 3 Accountant General, Commerce, Works, Misc, New Delhi except employees of the Office of Textile Commissioner stationed in Bombay.

[No. 7(F.No. 55/128/67-IT).]

A. RAGHAVENDRA RAO, Under Secy.

INCOME-TAX

New Delhi, the 27th June 1967

S.O. 2254.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes, hereby makes the following amendments in the Schedule appended to its Notification No. 3 (F. No. 50/213/66-ITJ), dated 19th January, 1967, namely:—

In the said Schedule under the existing entries in Col. 2 against A-Range, B-Range, C-Range, Hyderabad, the following shall be substituted, namely:—

SCHEDULE

Range (1)	Income-tax Circles, Wards & Districts. (2)
A-Range, Hyderabad	<ol style="list-style-type: none"> 1. Ward I-A of Hyderabad Circle. 2. Ward I-B of Hyderabad Circle. 3. Ward I-C of Hyderabad Circle. 4. Ward I-D of Hyderabad Circle. 5. Ward I-E of Hyderabad Circle. 6. Circle-I, Hyderabad. 7. Central Circle, Hyderabad. 8. A-Ward, Hyderabad. 9. Income-tax-cum-Wealth Tax Circle I, Hyderabad. 10. Nandyal. 11. Project Circle, Hyderabad. 12. M.P.P. Circle, Hyderabad.

I

2

B-Range, Hyderabad

1. Ward II-A of Hyderabad Circle.
2. Ward II-B of Hyderabad Circle.
3. Ward II-C of Hyderabad Circle.
4. Ward II-D of Hyderabad Circle.
5. Ward II-E of Hyderabad Circle.
6. Circle II, Hyderabad.
7. B-Ward Hyderabad.
8. Income-tax-cum-Wealth Tax Circle II, Hyderabad.
9. Survey Circle, Hyderabad.
10. Special Survey Circle-I, Hyderabad.
11. Special Survey Circle-II, Hyderabad.
12. Survey Circle I, Hyderabad.
13. Survey Circle II, Hyderabad.
14. Special Survey Circle (Old), Hyderabad.
15. Mahaboobnagar.
16. Sangareddy.
17. Gudivada.

C-Range, Hyderabad

1. Ward III-A of Secunderabad Circle.
2. Ward III-B of Secunderabad Circle.
3. Ward III-C of Secunderabad Circle.
4. Ward III-D of Secunderabad Circle.
5. Ward III-E of Secunderabad Circle.
6. Circle III, Hyderabad.
7. C-Ward, Hyderabad.
8. Income-tax-cum-Wealth Tax Circle III, Hyderabad.
9. Salary Circle, Hyderabad.
10. Kurnool.

D-Range, Hyderabad

1. Company Ward of Secunderabad Circle.
2. Company Circle, Hyderabad.
3. Company Circle (Old), Hyderabad.
4. Recovery Circle, Hyderabad.
5. Nizamabad.
6. Nirmal.

This Notification shall take effect from 1st July, 1967.

Explanatory Note

The amendments have become necessary on account of reorganisation of the City Circles of Hyderabad in the Commissioner's Charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 48—F. No. 50/143167-ITJ.]

P. G. GANDHI, Under Secy.

**OFFICE OF THE DY. COLLECTOR OF CENTRAL EXCISE AND CUSTOMS,
AMRITSAR**

CENTRAL EXCISES

Amritsar, the 27th June 1967

S.O. 2255.—In exercise of the powers conferred upon me under rule 15 and 16 of the Central Excise Rules, 1944 and in partial modification of the Collectorate Instruction No. 18/1961 (Central Excise) issued under C. No. V(a) 24/32CE/60 dated the 23rd May, 1961 by the Collector of Central Excise, New Delhi, I hereby notify that no declaration will be necessary under the said rules in respect of unmanufactured tobacco grown in the areas not exceeding the limits specified

in Col. 8 of the sub-joined schedule and cured in quantities not exceeding the limits indicated in Col. 9 of the same schedule in the whole of the revenue jurisdictions set out in Col. 7 thereof falling within the jurisdiction of the respective revenue tehsils mentioned in Col. 6 of the Central Excise Division Amritsar.

SCHEDULE

S. No.	Name of C.E. Division	Name of the C.E. Circle	Name of Range	Name of Revenue Distt.	Name of the Tehsil	Revenue Village exempted under Rule 15 & 16	Maximum area upto which grower may cultivate tobacco without a declaration under rule 15 of C.E. Rules, 1944 in Area specified in Col. 7	Quantity upto which curer may cure tobacco with-out a declaration under rule 16 of the C.E. Rules, 1944 within the area specified in Col. 7	Remarks
1	2	3	4	5	6	7	8	9	10

GURDASPUR CIRCLE

1.	Amritsar	Gurdaspur	Batala	Gurdaspur	Batala	All the villages excepting Batala and Quadian.	4 Ares	36 Kilogram	
2.	Amritsar	Gurdaspur	Gurdaspur	Gurdaspur	Gurdaspur	All the villages excepting Telbpur, Bhopar, Ballgan & Avankha.	4 Ares	Do.	
3.	Do.	Do.	Pathankot	Do.	Pathankot	All villages excepting Kotha, Kamtapur & Rattangarh.	4 Ares	Do.	
4.	Do.	Do.	Hamirpur	Do.	Hamirpur	All villages	4 Ares	Do.	

SRINAGAR

1.	Do.	Srinagar	Srinagar	Srinagar	Srinagar	All the villages excepting area within Municipal limits of Srinagar (including Soura) Shalang, Balahama, Soura.	2 Ares	Do.	
----	-----	----------	----------	----------	----------	---	--------	-----	--

2.	Do.	Do.	Do.	Do.	Badgam	All Villages excepting Qazibagh, Chadora & Nagam.	2 Ares	Do.
3.	Do.	Do.	Do.	Do.	Sonewari	All the Villages	Do.	Do.
4.	Do.	Do.	Do.	Anantnagh	Anantnagh	All the Villages excepting Reichwgund	Do.	Do.
5.	Do.	Do.	Do.	Srinagar	Kulwana	All villages excepting Wathoo, Drangabad, Nambalbal, Kadala-bal, Chhattlam & Gerroo	2 Ares	Do.
6.	Do.	Do.	Do.	Do.	Kulgam	All villages excepting Patwar, Halwa Shop-tan, Gundchawal.	2 Ares	Do.
7.	Do.	Do.	Do.	Baramulla	Baramulla	All villages excepting Jambalpura, Punc-hitter, Bine.	Do.	Do.
8.	Do.	Do.	Do.	Do.	Soprrc	All villages	Do.	Do.
9.	Do.	Do.	Do.	Do.	Handwara	Do.	Do.	Do.
10.	Do.	Do.	Do.	Do.	Uri	Do.	Do.	Do.

M.D.O. AMRITSAR

1.	Do.	Amritsar	City M.O.R.	Amritsar	Amritsar	All villages except Kathunangal	3 Ares	Do.
2.	Do.	Do.	Do.	Do.	Ajnala	All villages excepting Awa Lakha Singh Muzaffarpur	3 Ares	Do.
3.	Do.	Do.	Jandiala	Do.	Amritsar	All villages	Do.	Do.
4.	Do.	Do.	Tarn-Taran	Do.	Tarn-Taran	Do.	4 Ares	Do.
5.	Do.	Do.	Do.	Do.	Patti	All villages excepting Patti.	Do.	Do.
1.	Do.	Jammu Sub-Circle	R.S. Pura.	Jammu	R. S. Pura	All villages except 1. Kotli nian Fateh 2. Gazia 3. Cholri 4. Chumian Jattan	3 Ares	Do.

1	2	3	4	5	6	7	8	9	10
						5. Bhanna Chak 6. Kheri 7. Pandorian Brahmana 8. Dabbar I,II,III 9. Deoli 10. Laswara 11. Phinder 12. Chuhala 13. Chakroi 14. Arnai 15. Lakhanpur 16. Chak Harni 17. Bishna 18. Beaspur			
2.	Amritsar	Jammu Sub-Circle	Hiranagar	Kathua	Basohli	19. Salar. All villages except 1. Barota 2. Gungara 3. Dehd.	3 Ares	36 Fgs.	
3.	Do.	Do.	Do.	Do.	Kathua	All villages except 1. Paiawal 2. Badala 3. Muthi Rakwalam 4. Khaklial 5. Tarpal.	Do.	Do.	
4.	Do.	Do.	Do.	Jammu	Samba	All villages except 1. Soanka 2. Taipai 3. Kaklah	Do.	Do.	
5.	Do.	Do.	Do.	Kathu	Hiranagar	All villages except 1. Madine 2. Raipura 3. Sagahal	Do.	Do.	
6.	Do.	Do.	Jammu SOR.	Jammu	Jammu	All villages except 1. Ponichak 2. Daichak 3. Gohal	Do.	Do.	

						4. Sultanpur		
						5. Rattanpur		
						6. Damana		
						7. Machillain		
						8. Kalyanpur		
						9. Paryal.		
7.	Do.	Do	Do.	Udhampur	Reasi	All villages except	Do.	Do.
						Garan Kund Khanisari		
8.	Do.	Do	Do.	Do.	Akhnoor	All villages	Do.	Do.

[C. No. V(4)DC/15/1/CE/64.]

N. N. ROY CHOUDHURY, Dy. Collector.

MINISTRY OF COMMERCE*New Delhi, the 27th June 1967*

S.O. 2256.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Woollen Textiles (Production and Distribution) Control Order, 1962, namely:—

1. This Order may be called the Woollen Textiles (Production and Distribution Control) First Amendment Order, 1967.

2. In the Woollen Textiles (Production and Distribution) Control Order, 1962, in clause 3, after the words "or otherwise dispose of" wherever they occur, the words "or change the location of" shall be inserted.

[No. F. 20(28)/66 TEX.(E).]

New Delhi, the 29th June 1967

S.O. 2257.—In exercise of the powers conferred by section 4 of the Coir Industry Act, 1953 (45 of 1953) read with sub-rule (1) of rule 5 of the Coir Industry Rules, 1954, the Central Government hereby makes the following further amendment to the Ministry of Commerce's Notification No. S.O. 2872, dated the 31st August, 1966 as amended in S.O. 3914, dated the 19th December, 1966, namely:—

for "Shri T. V. Thomas, Chairman, Municipal Council, Alleppey" occurring at S. No. (1) of item '(b) Persons engaged in the production of husks, coir and coir yarn and in the manufacture of coir products',

the following shall be substituted, namely—

"Shri P. K. Padmanabhan, Vice President, Travancore Coir Workers' Union, Alleppey".

[No. F. 21(1)/66-TEX.(E).]

A. G. V. SUBRAHMANYAM, Under Secy.

वाणिज्य संचालय

नई दिल्ली, 27 जून, 1967

एस० आ० 2258.—अत्यावश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त अधिकारों का प्रयोग करती हुई केन्द्रीय सरकार एतद् द्वारा ऊनी वस्त्र (उत्पादन तथा वितरण) नियंत्रण आदेश, 1962 में आगे संशोधन करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात् :

1. यह आदेश ऊनी वस्त्र (उत्पादन तथा नियंत्रण) प्रथम संशोधन आदेश, 1967 कहा जायेगा ।
2. ऊनी वस्त्र (उत्पादन तथा वितरण) नियंत्रण आदेश, 1962 की धारा 3 में "or otherwise dispose of" ये शब्द जहाँ कहीं भी हों वहाँ उनके पश्चात् "or change the location of" यह शब्द रखे जायेंगे ।

[सं० एफ० 20(28)/66-टैक्स (ई)]

ए० जी० बी० सुब्रह्मण्यम),

अवर सचिव ।

New Delhi, the 28th June 1967

S.O. 2259.—In exercise of the powers conferred by sub-sections (2) and (4) of section 3 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby re-appoints Shri S. V. Kogekar, as a Member of the

Forward Markets Commission, Bombay, for a period of six months with effect from the forenoon of 2nd May, 1967.

[No. 37(7)-Com (Genl)/67-I.]

M. L. GUPTA. Under Secy.

New Delhi, the 28th June 1967

S.O. 2260.—In exercise of the powers conferred by clauses (b) and (i) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates the following to be the members of the Central Silk Board with effect from the 9th April, 1967:—

Nominated by the Central Government under section 4(3) (b) of the Act.

Shri K. Srinivasan, Deputy Secretary, Ministry of Commerce, New Delhi.

Shri A. C. A. Rao, Under Secretary, Ministry of Finance, Bombay.

Shri Avtar Singh, Director Regional Office, Cotton Development, Bombay.

Nominated by the Central Government to represent areas other than States Specified in clauses (d) to (g) under section 4(3) (i) of the Act.

Shri S. M. Patnaik, Secretary to the Government of Orissa, Industries Department, Bhubaneswar.

Shri P. K. Matoo, Director of Industries, Government of Himachal Pradesh, Simla.

[No. 22/1/67-TEX(G).]

DAULAT RAM Under Secy.

(Office of the Chief Controller of Imports & Exports).

ORDER

New Delhi, the 28th June 1967

S.O. 2261.—In exercise of the powers conferred by Clause 9 of the Import Control Order 1955, dated 7th December 1955 as amended, the undersigned hereby cancels both the Customs Purposes Copy and Exchange Control Purposes Copy of Import Licence No. G/RC/2085539/R/IA/22/C.H/21.22 dated 7th January 1966, for the Import of "Electrical Equipment for wagon tippler etc." valued at Rs. 169000/- (fully unutilised) issued in favour of M/s. Tata-Rohins Fraser Limited, 11—Station Road, Burma Mines, Jamshedpur (Bihar).

The reason for the cancellation is that the party could not utilise the licence and the Railway has returned it for cancellation.

[No. 25-T/Rly/65-66/L-VI.]

R. K. JOLLY,

Deputy Chief Controller of Imports & Exports.

(MINISTRY OF STEEL, MINES AND METALS)

(Department of Mines and Metals)

New Delhi, the 28th June 1967

S.O. 2262.—Whereas by the notification of Government of India in the late Ministry of Steel and Mines S.O. 2361, dated the 22nd July, 1965, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in the lands measuring 4672.00 acres (approximately) or 1890.75 hectares

(approximately) in the locality specified in the Schedule appended to that notification and reproduced in Schedule I appended hereto;

And whereas out of the said lands by the notification of the Government of India in the late Ministry of Mines and Metals S.O. 3407, dated the 3rd November, 1966, the Central Government gave notice of its intention under sub-section (1) of section 7 of the said Act to acquire only part of the lands and rights in or over such lands mentioned in the schedule II appended hereto;

And whereas in respect of the remaining lands no notice under the said sub-section (1) of section 7 has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7 the Central Government hereby specifies a further period of one year commencing from the 22nd July, 1967 as the period within which the Central Government may give notice of its intention to acquire the said remaining lands or of any rights in or over such lands.

SCHEDULE—I.
SINGRA BLOCK
(Jharia Coalfield)

Drg. No. Rev/34/65
Dated 22-6-1965.

*(Showing lands notified for prospecting).

Sl. No.	Village	Thana	Thana number	District	Area	Remarks.
1	Gopidi	Chas	75	Dhanbad		Part
2	Tughari	"	76	"		"
3	Parbatpur	"	204	"		"
4	Batbinor	"	205	"		"
5	Aluara	"	206	"		"
6	Machatanr	"	207	"		"
7	D borda	"	208	"		"
8	Nayaban or Pabratanr	"	209	"		"
9	Dharmubandh	Topchanchi	298	"		"
10	Dubrajpur	"	299	"		"
11	Chainpur	"	300	"		"
12	Patrakuli	"	301	"		"
13	Dooghara	"	302	"		"
14	Panredi	"	346	"		"
15	Singra	"	347	"		"
16	Bandhdih	Chas	348	"		"
17	Rudi	"	350	"		"
18	Olidi	"	351	"		"
19	Bagra	"	353	"		"
20	Bhawardiha	"	355	"		"
21	Manidi	Jharia	85	"		"
22	Garbhudih	"	86	"		"
23	Saraidaha	"	87	"		Full
24	Lakarkhawari	"	88	"		"
25	Karitanr	"	89	"		Part
26	Totongabad	"	90	"		"
27	Majhiladih or Jogidi	"	91	"		"
28	Bardubhi	"	92	"		"
29	Baludih	"	93	"		"
30	Dubrajpur	"	94	"		"

TOTAL Area 4672.00 acres (Approximately)
OR: 1890.75 Hectares (approximately).

BOUNDARY DESCRIPTION OF SINGRA BLOCK

- 1-2 Line passes along the common boundary of Dharmubandh and Deoghara villages, then through village Dharmubandh and meets at point-2, which is the central line of the Khudiala.

- 2-3 line passes along the central line of khudiana and meets at point 3.
 3-4 line passes through village Dubrajpur and meets at point 4.
 4-5 line passes through villages Dubrajpur, Chainpur, Patrakuli and Katrinala, again through villages Bandhidih, Rudi, Olidi and meets at point 5, which is the central line of the Bansjornala.
 5-6 line passes along the Central line of the Bansjornala and meets at point 6, which is the common boundary of villages Olidi, Rudi and Saraidaha.
 6-7 line passes through villages, Garbhudih, Manidih, Dubrajpur, Baludih and Bardubhi, Karitanr and through village Majhiladih or Jogidi and meets at point 7, which is on the left bank of River Damodar.
 7-8 line passes through village Tetabahal and meets at point 8, which is also along the left bank of River Damodar.
 8-9 line passes through River Damodar and through villages Nigaban or Pabaur, Dikorda, Pabaur and Batbinor and meets at point 9.
 9-10 line passes through villages Batbinor, Gopidi and Tughari and meets at point 10.
 10-11 line passes through villages Tughari, Gopidi, Aluara and Machatanr and meets at point 11.
 11-12 line passes through River Damodar and village Bhawardaha and meets at point 12, which is the Central line of Katrinala.
 12-13-14 line passes along the Central line of Katrinala and meet at point 14.
 14-1 line passes through villages Bogra, Singra, Pantoli and Deoghara and meets at point-1.

SCHEDULE—II

SINGRA-BLOCK

(Jharia Coalfields.)

Drg. No. Rev/14/66

Date 128/2/1966

(showing lands to be acquired).

'All Rights'

SUB-BLOCK—'A'

Sl. No.	Village	Thana	Thana number	District	Area	Remarks.
1	2	3	4	5	6	
1	Karitanr	Jharia	89	Dhanbad		Part.
2	Majhiladih or Jogidi	Jharia	91	Dhanbad		Part.
3	Bardubhi	Jhari	92	Dhanbad		Part.

TOTAL area: . . . 109.00 acres (approximately).

OR: . . . 44.15 Hectares (approximately).

Plot numbers to be acquired in village Karitanr

182(P), 183(P), 184(P), 185(P), 188(P), 189(P), 192(P), 193(P), 204(P), 205(P), 206(P), 207(P), 208, 209, 210, 211(P), 212(P), 213 to 219, 250(P), 251(P), 252(P), 253 to 259, 270(P), 298(P), 300(P), 328, 329(P).

Plot numbers to be acquired in village Majhiladih or Jogidi

457(P), 468(P), 469(P), 500(P), 501(P), 507(P), 509(P), 510 to 518, 519(P), 520 to 523, 524(P), 525(P), 540(P), 541, 542(P), 545(P), 576(P), 577(P), 578(P), 589(P).

Plot numbers to be acquired in village Bardubhi

363(P), 364(P), 365(P), 366(P), 605(P), 787(P), 788(P), 789(P), 792(P), 793(P), 794(P), 795(P), 796, 797, 798(P), 799, 800, 801(P), 802 to 805, 810(P), 814(P), 815(P), 816(P), 817 to 871, 872(P), 873 to 888, 889(P), 890(P), 891(P), 902(P), 893(P), 894(P), 895(P), 896(P), 900(P).

BOUNDARY DESCRIPTION

A-B line passes through plot numbers 794, 605, 795, 366, 365, 364, 363, 801, 810, 872, 814, 815, 816, in village Bardubhi, through plot numbers 182, 184, 183, 185, 189, 188, 192, 212, 211, 193, 207, 206, 204, 205, in village Karitanr, through plot number, 500, 501, 509, 507, 519, 457, 468, 467, 525, 524, 540, 542, 545, 575, 577, 578, 589 in village Majhiladih or Jogidi, again through plot numbers 297, 298 and 300, in village Karitanr and meet at point 'B'.

B-C-A lines pass through plot numbers 300, 252, 251, 250, 329 in village Karitanr, through plot numbers 900, 899, 898, 892, 893, 892, 891, 890, 889, 798, 787, 788, 789, 790, 789, 790, 792, 793 and 794 in village Bardubhi and meet at starting point 'A'.

[No. C2-20(5)/65]

RAM SANY, Dy. Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 26th June 1967

S O. 2963.—Under clause 2(a) of the Tractors (Price Control) Order, 1967, the Central Government hereby appoints Shri N. Radhakrishnan, Deputy Secretary in the Ministry of Industrial Development and Company Affairs as Controller of Tractors for the purposes of the said Order.

[No. F. A.E.Ind.II/5(58)/66.]

R. V. SUBRAMANIAN, Jt. Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 26th June 1967

S.O. 2264—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 269-1958 Specification for ordinary, rapid-hardening and low heat portland cement (<i>revised</i>)	S.O. 2206 dated 10 September, 1967	No. 1 April, 1967	Clause 0.6.1 has been substituted by a new one	30 April 1967
2	IS : 359-1965 Specification for xylene, industrial solvent grade (<i>revised</i>)	S.O. 4023 dated 31 December 1966	No. 1 May 1967	A new clause D-6.2 has been added after D-6.1	31 May 1967
3	IS : 703-1966 Specification for axes (<i>revised</i>)	S.O. 2602 dated 27 August, 1966	No. 1 June 1967	Page 11, clause B-1—Delete the following item and redesignate items '(f) to (j)' as '(e) to (h)' respectively : (e) <i>Dipterocarpus</i> sp (Gurjan)	30 June 1967
4	IS : 1570-1961 Schedules for wrought steels for general engineering purposes	S.O. 416 dated 10 February, 1962	No. 2E May 1967	Schedules, I, II, IIA, III, IV, V and VI have been amended with a view to conserving some of the strategic alloying elements	31 May 1967
5	IS : 1759-1961 Specification for <i>powrahs</i>	S.O. 1633 dated 15 July 1961	No. 1 June 1967	Page 4, clause 2.1, line 1—Substitute the following for the existing first sentence : ' <i>Powrahs</i> shall be made of suitable quality steel'	30 June 1967

(1)	(2)	(3)	(4)	(5)	(6)
6	IS : 1818-1961 Specification for outdoor air-break isolators and earthing switches for voltages up to 220 kV	S.O. 2706 dated 18 November 1961	No. 2. May 1967	The amendment aims at expanding the scope of IS : 1818-1961 to include indoor type isolators to cover cases where they would form part of other indoor equipment, such as cubicles	31 May 1967
7	IS : 2206 (Part I)—1962 Specification for flameproof electric lighting fittings Part I well-glass and bulkhead types	S.O. 2370 dated 24 August 1963	No. 2 May 1967	A note has been added at the end of clause 4.10.3	31 May 1967
8	IS : 2319-1963 Specification for serge	S.O. 1683 dated 22 June 1963	No. 1 May 1967	Clause 4.2.2 has been substituted by a new one	31 May 1967
9	IS : 2880-1964 Specification for pressure sensitive adhesive cellulose tape	S.O. 1501 dated 8 May 1965	No. 1 May 1967	Page 13, clause F-2.3 (formula for calculation) substitute '5.846' for '58.46'	20 June 1967
10	IS : 3055 (Part I)—1965 Specification for thermoplastic insulated weatherproof cables Part I PVC insulated and PVC sheathed	S. O. 3938 dated 25 December, 1965	No. 1 March 1967	Page 10, Table 3, heading covering col 5 to 8—Substitute 'Radial Thickness of Sheath' for 'Radial Thickness of Insulation'	8 May 1967
11	IS : 3116-1965 Specification for sealing compound for lead-acid batteries	S.O. 2246 dated 30 July 1966	No. 1 May 1967	Page 4, clause 1.1, line 2—Add the following sentence at the end : 'The material is bitumen based'	31 May 1967
12	IS : 3824 (Part III)—1966 Methods of evaluating dynamic load ratings of rolling bearings Part III thrust ball bearings	S.O. 1533 dated April 1967	No. 1 May 1967	Page 4, clause 3.1, second formula—Substitute 'for D> 25.4 mm' for 'for D> 225.4 mm'	31 May 1967

Copies of these Amendment slips are available, free of cost, with the Indian Standards Institution, Marak Bhavan, 9 Pahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (iv) 117/418-B Sarvodaya Nagar, Kanpur,

[No. MD/13 : 5]
(Dr.) SADGOPAL,
Deputy Director General.

MINISTRY OF HEALTH AND FAMILY PLANNING.**(Department of Health)***New Delhi, the 29th June 1967*

S.O. 2265.—Whereas the Central Government have, in pursuance of the provisions of clause (f) of section 3 of the Dentists Act, 1948 (16 of 1948) nominated the following persons to be members of the Dental Council of India with effect from the 5th August, 1967.

- 1 Col. N. N. Bery,
D.D.S. (Penn USA), F.D.S.R.C.S. (Eng.),
Z.D.S. (Vienna), D.E.D.P. (Paris),
F.A.M.S. (India), F.A.C.D. (USA),
F.I.C.D., M.I.C.D. (USA)
Dental Surgeon, 13, Curzon Road, New Delhi.
2. Dr. N. Pinto Do Rosario,
LDSc., LDS, RCS., FDS., RCS.,
Staff Surgeon (Dental).
Willingdon Hospital, New Delhi.
3. Brigadier Kartar Singh, B.D.S. (PB),
Army Medical Directorate,
'L' Block, New Delhi-1.
4. Dr. R. S. Nanda,
B.D.S. (Bom), M.S. (USA), Ph.D. (USA), F.I.C.D. (USA),
Prof. of Orthodontia,
Dental College and Hospital, Lucknow
5. Dr. F. N. Mehta,
Dental Surgeon,
315, Lamington Road, Bombay 17.

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby directs that Col. N. N. Berry and Dr. N. Pinto Do Rosario shall continue to be members of the Dental Council of India, and makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notification, under the heading "Nominated under clause (f) of section 3", for the entries against serial Nos. 3, 4, and 5, the following entries shall be substituted, namely:—

- "3. Brigadier Kartar Singh, B.D.S. (Pb.),
Army Medical Directorate,
'L' Block, New Delhi.
4. Dr. R. S. Nanda,
B.D.S. (Bom), M.S. (USA), Ph.D. (USA), F.I.C.D. (USA),
Prof. of Orthodontia,
Dental College and Hospital, Lucknow
5. Dr. F. N. Mehta,
Dental Surgeon,
315, Lamington Road,
Bombay-7 "

[No. F.3-11/67-MPT.]

ORDER*New Delhi, the 29th June 1967*

S.O. 2266—Whereas the Government of India in the late Ministry of Health has, by notification No. 16-28/61-MI dated the 19th July, 1962, made in exercise of the powers conferred by Sub-section (i) of Section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification Doctor of Medicine granted by the University of Washington, United States of America for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of Section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies a further period commencing from the 18th July, 1966 to the 1st July, 1967 or so long as Dr. Dorothy Mary Munce who

possesses the said qualification, continues to work in the Godvari Delta Mission Women's Hospital, Naraspur (Godwari) to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Dorothy Mary Munce, shall be limited.

[No. F. 19-22/67-MPT.]

V. K. SAMANTROY, Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 28th June 1967

S.O. 2267.—In pursuance of sub-section (1A) of section 9 of the Merchant Shipping Act, 1953 (44 of 1958), the Central Government hereby authorises the classification societies specified in the Schedule annexed hereto to be surveyors to carry out survey of ships for the purpose of issue of cargo ship safety construction certificates under sub-section (1) of section 299A of the said Act.

SCHEDULE

1. Lloyds Register of Shipping.
2. Bureau Veritas.
3. Det Norske Veritas.
4. American Bureau of Shipping.
5. Germanischer Lloyd.
6. Nippon Kaiji Kyokai (Japan).

[No. 46 MA(7)/67.]

K. C. MADAPPA, Jt. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 28th June 1967

S.O. 2268.—It is hereby notified that in pursuance of clause (d) of sub-section (1) read with sub-section (4) of section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951), Shri Balraj Madhok and Dr. Sushila Nayar, members of the House of the People, have been elected as members of the Rajghat Samadhi Committee in place of Shri Shiv Charan Gupta and Shri Mohammad Yusuf.

2. The Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Works, Housing and Supply No. 19/2/62-WI dated the 22nd August, 1962, namely:—

In the said notification, for the entries—

“Shri Shiv Charan Gupta
Shri Mohammad Yusuf”

the entries—

“Shri Balraj Madhok
Dr. Sushila Nayar”

shall be substituted.

[No. 25012(3)/66-W.]

S. CHAUDHURI, Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 26th June 1967

S.O. 2269.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952, and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby

appoints Smt. Padmini Manchanda after consultation with Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Madras with immediate effect.

[No. 11/3/65-FC.]

R. L. JAIN, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 27th June 1967

S.O. 2270.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Ltd., Kotma, and their workmen which was received by the Central Government on the 22nd June, 1967.

ARBITRATION AWARDS

In the matter of

Associated Cement Companies Limited, Kotma,

AND

Their Workmen

represented by the Kotma Colliery Mazdoor Sangh.

Pursuant to an agreement between the parties dated 19th June, 1964 referring the matters contained therein to the arbitration of Mr. F. Jeejeebhoy, last President, Labour Appellate Tribunal of India, residing at 'Firuz-Agra', 160, Queen's Road, Churchgate Reclamation, Bombay-1.

PRESENT:

Mr. F. Jeejeebhoy, Barrister-at-law, Arbitrator.

For the employers: Mr. I. M. Nanavati, Advocate, Mr. G. L. Govil and Mr. M. S. Kapoor.

For the workmen: Mr. K. B. Chougule, General Secretary, Kotma Colliery Mazdoor Sangh, Kotma.

AWARD

Whereas by an agreement between the Associated Cement Companies Limited, Kotma, on the one hand and the workmen represented by the Kotma Colliery Mazdoor Sangh on the other, certain disputes pending between them, which had been referred by the Central Government to the adjudication of the Central Government Industrial Tribunal at Bombay, were withdrawn and referred to the arbitration of Mr. F. Jeejeebhoy, last President Labour Appellate Tribunal of India, residing at 'Firuz-Agra', 160, Queen's Road, Churchgate Reclamation, Bombay-1;

And whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them;

And whereas the said agreement which was made under Section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India of 11th July 1964 being S.O. No. 2442 at pages 2899 and 2900 with annexures thereto;

And whereas the hearing of the said arbitration has been partly completed;

Now, therefore, I the said Mr. F. Jeejeebhoy, Barrister-at-law, as such arbitrator do hereby make the following awards in terms of the Agreement of Reference relating to: (1) Item S.O. 496 at page 2903, viz. Whether Sarvashri Bhagwat Prasad and Nagiram were wrongfully stopped from work during the periods 31st December 1961 to 27th February 1962, respectively. If so, to what relief are they entitled? And (2) Item S.O. 493 at page 2903. Whether the duties performed by Shri Ram Saroop Singh, Station Delivery Clerk involved working beyond 48 hours in a week? If so, to what relief is he entitled, and from what date?

Dated at Bombay, this the 20th day of June, 1967.

(Sd.) F. JEEJEEBHOY, Arbitrator.

AWARDS

S.O. 493. Page 2903. Shri Ram Swaroop Singh. The issue is "whether the duties performed by Shri Ram Swaroop Singh, the Station Delivery Clerk involve working beyond 48 hours in a week? If so, to what relief is he entitled?"

1. In the statement of claim it is said that the duties of Ram Swaroop Singh involved working beyond 48 hours in the week. Apart from his duties as Station Delivery Clerk, Ram Swaroop Singh had to work as a Camp-in-charge for the Lasui Camp of the Company, and was also in charge of the petrol tank situated at Lasui Camp which serves the petrol requirements of the Colliery. Ram Swaroop Singh says he had also to work at the Guest-House in charge, and also in the general stores of the Company filling in receipts, etc. All these duties. It is said kept Ram Swaroop Singh engaged for 12 hours a day, and also on a weekly day of rest, and it is therefore, prayed that the Arbitrator may be pleased to direct the Management of Kotma Colliery to pay to Ram Swaroop Singh for all the rest days and 4 hours a day from 21st August, 1960, the date when the amended provisions of the Mines Act pertaining to overtime were brought into force.

2. The Company has opposed the claim, and they have stated their version of the facts as under: that Ram Swaroop Singh was Clerk Grade II, and had been entrusted with the following duties:—

- (i) To take delivery of the Company's materials from the Kotma Railway Station, and arrange for the booking of the Company's out-going material at the same station.
- (ii) In the afternoon to report to the store keeper in charge of the Store, and collect railway receipts for taking delivery of the material next day, and to report about the work done by him at the railway station.
- (iii) As he is residing at the Company's quarters at Lasui Camp he was also to issue petrol tins from the petrol godown in Lasui Camp to the Company's vehicles, and the frequency of such supply was once or twice a week. He also receives petrol at the petrol godown at Lasui Camp once in a quarter or so depending on the supply and requirements. He also prepared monthly statements in connection with railway freight, credit notes, also bills of the station hampals for loading and unloading at the Station. He is required to take vacant possession of the Company's quarters at the Lasui Camp whenever any quarter falls vacant; there are about 60 quarters; and he is to do any other duty assigned to him from time to time.

3. The Company further says that the duties performed by Ram Swaroop Singh do not require his attention for more than 48 hours a week. As regards Ram Swaroop Singh's claim that he had to spend some of his time looking after two of the Company's blocks at Lasui Camp which were used for short stay by some of the Company's visitors, the fact is that as Ram Swaroop Singh was given a quarter at Lasui Camp he was asked to look after the Guest House, which however was closed down some six year back. The Company says that the claim of Ram Swaroop Singh that he was filling in receipts in the general store of the Company is without foundation.

4. The Company further contends that Ram Swaroop Singh is not covered by the provision of the Mines Act and the claim for over-time charges for all the rest days, and for 4 hours from 21st August, 1960, is without substance. The Company denies that the duties performed by this workman kept him engaged for more than 12 hours a day, or that he worked on all the weekly days of work, and the Company contends that his normal day of work does not exceed 8 hours. Whenever he was asked to work on any weekly day of work he would get paid for the full day, even though the work done might be for a couple of hours, or even less. Even if he was covered by the Mines Act he had not worked for more than 48 hours a week as alleged.

5. I have carefully considered the evidence and it does appear to me that keeping an eye on the 60 quarters at Lasui Camp, and being in charge of the petrol godown, however little might have to be done at these two places was in the nature of work additional to his work as Clerk, and he ought to receive some remuneration for so working, and I direct that the Company give him an allowance of Rs. 25/- a month starting from August 1960, and so long as he continues to do these jobs. This allowance will be personal to him; and if he is not required to perform either one of these duties the allowance will be reduced to half.

6. The rest of the claim fails.

7. Now, therefore, I make this Award this the 20th day of June, 1967, at Bombay.

(Sd.) F. JEEJEEHOY, Arbitrator.

S.O. 496 at Page 2903.

Sarvashri Bhagwat Prasad and Nagiram

I will first deal with the case of Bhagwat Prasad. His case is that he was Switch-board Attendant, and was discharged from hospital on 5th November 1961, and thereafter up to 21st November, 1962 was on leave with pay. Next he worked up to 30th December, 1961 in the Power House, when his work was stopped suddenly without any reasons given. He was again allowed to work from 28th September, 1962. His statement of the case does not give all the facts.

2. There had been a strike in the Colony which was followed by a lock-out. The strike started on 18th October 1961, and the Company closed down the Colliery with effect from 9th November 1961 owing, they say, to circumstances beyond their control. Nevertheless, in the interest of safety, health, and convenience of the workers' families, the Colony's essential services such as power house, sanitation and water supply, underground pumping, and medical services, were continued on a restricted scale. On 23rd February, 1962 there was a settlement, between the Company and the workmen, and according to Clause (3) of that settlement it was agreed that there would be no payment of either wages, or bonus, or any other form of compensation, from 18th October 1962 till the resumption of work.

3. Bhagwat Prasad had been employed as a Switch-board Attendant in the Power House; he was suffering from T.B., and was on the sick list from 8th December, 1960 to 20th November, 1961 undergoing treatment at Nowgoan Sanatorium. He was declared fit for light duties from 22nd November 1961, and he asked for leave with wages from 22nd November 1961 to 6th December, 1961, which was granted. He reported for duty on 7th December, 1961, but at that time only a small number of workmen were deputed to work on operational jobs in the Power House, and to them 'Admit Cards' had been given. One of these Switch-board Attendants with 'Admit Card' asked for leave on 7th December 1961, and the Company put Bhagwat Prasad in his place. As the Switch-board Attendant who had been issued the 'Admit Card' and in whose place Bhagwat Prasad was temporarily appointed returned to duty from 1st January 1962, Bhagwat Prasad could not be further employed during the period of closure from 1st January 1962 to 27th January, 1962. Bhagwat Prasad claims that he should be paid for this period. It is evident that during a closure many a workman gets affected who himself is not a striker. The persons who are selected to maintain essential or other health and safety services in the Colony are so selected because of their capacity to maintain the services in a satisfactory way, and they are given 'Admit Cards'. Bhagwat Prasad's case is unfortunate as he was not fit to work at the time of the closure; he was given work to fill a leave vacancy of a person to whom an 'Admit Card' had been issued, and as such Bhagwat Prasad could have no complaint if on the return of the 'Admit Card' holder he could not be given any work. It is unfortunate, but this sort of situation is inevitable where there is a strike followed with closure. I am unable to grant any relief to Shri Bhagwat Prasad and the issue so far as it concerns him must be answered in the negative, and he is not entitled to any relief as claimed.

3. The claim of Shri Nagiram, Pump Driver, has not been pressed, and accordingly the issue as regards Shri Nagiram is also answered in the negative, and he is not entitled to any relief.

4. Now, therefore, I make these awards this the 20th day of June, 1967, at Bombay.

(Sd.) F. JEEJEEHOY, Arbitrator.

[No. 8/109/64-LRII-II.]

S.O. 2271.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma, and their workmen which was received by the Central Government on the 23rd June, 1967.

ARBITRATION AWARDS

In the matter of

Associated Cement Companies Limited, Kotma,

AND

represented by the Kotma Colliery Mazdoor Sangh.

Pursuant to an agreement between the parties dated 19th June 1964 referring the matters contained therein to the arbitration of Mr. F. Jeejeebhoy, last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', 160, Queen's Road, Churchgate Reclamation, Bombay-1.

PRESENT:

Mr. F. Jeejeebhoy, Barrister-at-law, Arbitrator.

For the employers.—Mr. I. M. Nanavati, Advocate, Mr. G. L. Govil and Mr. M. S. Kapoor.

For the workmen.—Mr. K. B. Chougule, General Secretary, Kotma Colliery, Mazdoor Sangh, Kotma.

AWARD

Whereas by an agreement between the Associated Cement Companies Limited, Kotma on the one hand and the workmen represented by the Kotma Colliery Mazdoor Sangh on the other, certain disputes pending between them, which had been referred by the Central Government to the adjudication of the Central Government Industrial Tribunal at Bombay, were withdrawn and referred to the arbitration of Mr. F. Jeejeebhoy, last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', 160, Queen's Road, Churchgate Reclamation, Bombay-1.

And whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them;

And whereas the said agreement which was made under Section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India of 11th July 1964 being S.O. No. 2442 at pages 2899 and 2900 with annexures thereto.

And whereas the hearing of the said arbitration has been partly completed;

Now, therefore, I, the said Mr. F. Jeejeebhoy, Barrister-at-law, as such arbitrator do hereby make the following awards in terms of the Agreement of Reference relating to (1). Item: S.O. 495 at pages 2903 and 2904, viz., is the Management of Kotma Colliery justified in keeping Shri Abdul Rehman, Miner, out of job from 7th January, 1963? If not, to what relief is he entitled, and (2) Item: S.O. 713, at pages 2904 and 2905, dated 18th February, 1964, viz. Whether the transfer of Shri B. K. Mishra as a 'C' Grade Clerk from the underground Department on the 4th September, 1960, resulting in a loss of Rs. 6/- per mensem to him was justified? If not, to what relief is the workman entitled?

Dated at Bombay, this the 21st day of June, 1967.

(Sd.) F. JEEJEEBHOY, Arbitrator.

S.O. 495, at pages 2903 and 2904. Shri Abdul Rehman.

AWARD

The issue is:—Is the Management of Kotma Colliery justified in keeping Shri Abdul Rehman, Miner, out of job from 7th January, 1963? If not, to what relief is he entitled?

2. When this issue was taken up for hearing the Union did not press this issue on the ground that this matter was covered by a wider issue by which the justifiability or otherwise of the dismissal will have to be ascertained.

3. For this reason this issue is closed.

4. Now, therefore, I make this Award accordingly this the 21st day of June, 1967.

(Sd.) F. JEEJEEBHoy, Arbitrator.

S.O. 713, at pages 2904 and 2105, dated 18th February, 1964. Shri B. K. Mishra.

AWARD

The issue is: Whether the transfer of Shri B. K. Mishra as a 'C' Grade Clerk from the underground Department on the 4th September 1960, resulting in a loss of Rs. 6/- per mensem to him was justified? If not, to what relief is the workman entitled?

2. After the hearing had proceeded to some considerable extent the parties came to a settlement of the issue and filed a joint agreement which is as follows:—

"The parties agree that the basic wage of Shri B. K. Mishra will be re-adjusted as under, and the Dearness Allowance and bonus will be paid accordingly:—

1-9-1960.....	Rs. 61/- basic
1-1-1961.....	Rs. 65/- „
1-1-1962.....	Rs. 69/- „
1-1-1963.....	Rs. 73/- „
1-1-1964.....	Rs. 77/- „
1-1-1965.....	Rs. 81/- „
1-1-1966.....	Rs. 85/- „

3. I have accepted the settlement in answer to the issue.

4. Now, therefore, I make this Award in terms aforesaid.

(Sd.) F. JEEJEEBHoy, Arbitrator.

[No. 8/109/64-LRII-/III.]

S.O. 2272.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma, and their workmen, which was received by the Central Government on the 22nd June, 1967.

ARBITRATION AWARD

In the matter of

Associated Cement Companies Limited, Kotma,

AND

Their Workmen

represented by the Kotma Colliery Mazdoor Sangh.

Pursuant to an agreement between the parties dated 19-6-1964 referring the matters contained therein to the arbitration of Mr. F. Jeejeebhoy, last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', 160, Queen's Road, Churchgate Reclamation, Bombay-1.

PRESENT

Mr. F. Jeejeebhoy, Barrister-at-law, Arbitrator.

For the employers—Mr. I. M. Nanavati, Advocate, Mr. G. L. Govil and Mr. M. S. Kapoor.

For the workmen.—Mr. K. B. Chougule, General Secretary, Kotma Colliery, Mazdoor Sangh, Kotma.

AWARD

Whereas by an agreement between the Associated Cement Companies Limited, Kotma, on the one hand and the workmen represented by the Kotma Colliery Mazdoor Sangh on the other, certain disputes pending between them, which had been referred by the Central Government to the adjudication of the Central Government Industrial Tribunal at Bombay, were withdrawn and referred to the arbitration of Mr. F. Jeejeebhoy, last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', 160, Queen's Road, Churchgate Reclamation, Bombay-1.

And whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them;

And whereas the said agreement which was made under Section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India of 11th July, 1964, being S.O. No. 2442 at pages 2899 and 2000 with annexures thereto;

And whereas the hearing of the said arbitration has been partly completed;

Now, therefore, I, the said Mr. F. Jeejeebhoy, Barrister-at-law, as such arbitrator do hereby make the following award in terms of the agreement of Reference relating to S.O. 494 at page 2903, viz.,

- (i) Whether Shri Amarnath Dixit was required to perform additional duties as a Shift-in-charge in addition to his duties as a Commission Holder? If so, to what remuneration, if any, is he entitled?
- (ii) Whether termination of services of Shri Amarnath Dixit with effect from the 19th January, 1962, was justified? If not, to what relief is he entitled?

Dated at Bombay, this 19th day of June, 1967.

(Sd.) F. JEEJEEBHOY, Arbitrator.

Issue No. 4

Reference No. S.O. 494 to the Central Government Industrial Tribunal at Bombay dated 31st January, 1964.

Arbitration under an agreement, dated 16th September, 1964, under Section 10A sent to the Government of India which has been published by the Government of India in the Gazette of India Part II, section 3(ii), dated 11th July, 1964 *et seq.* This issue will be found at page 2093 (494) concerning Shri Amarnath Dixit.

The issues involved in this dispute are as follows:—

- (a) Whether Shri Amarnath Dixit was required to perform additional duties as shift-in-charge in addition to his duties as a commission holder? If so, to what remuneration, if any, is he entitled?
- (b) Whether the termination of services of Shri Amarnath Dixit with effect from 19th January, 1962, was justified? If not, to what relief is he entitled?

Dixit was originally working as a mining sardar; but unfortunately for him in the year 1955 he met with an accident which crippled him. The medical report said that he had sustained permanent partial disability; thus he was rendered unfit for performing any longer the duties of a mining sardar. (See medical report Exhibit 32 K.C. 1). The report adds that the disabilities were partial and permanent and less earning capacity was 30 per cent. He received compensation on 29th August, 1956. (See Exhibit 32 K.C.). On 22nd September, 1956 by Exhibit 22 K.C. Dixit made an application to the Company requesting that he may be provided with some work so that his children may be maintained. He does not claim that he should be appointed mining sardar but asked for any work on compassionate grounds. By this time Dixit was aware that his services with the Company had come to an end by reason of his accident and that whatever he could get by way of work would be lighter work which he would be able to perform without undue strain. On 11th November, 1956, by Exhibit 23 the manager of the Colliery appointed Dixit as a commission holder with effect from 7th November, 1956, with a quota of 30 department miners, and a rate of commission of 2 annas per tub. This order naturally proceeded on

the basis that Dixit's previous services with the Company had come to an end with his unfortunate accident. On 19th July, 1958, there is a letter from the Labour Union addressed to the manager of the Colliery complaining that Dixit who had been given contracts by the Company for wagon loading, earth cutting, making underground dams, coal carrying etc. was not paying the workmen's due wages in full, and the Union requested the management not to permit him to work as a contractor in the following month and not to repay him his security deposit, if any, to enable arrears being paid to the workers; there was a further complaint that he used to remove workers from their jobs when they demanded their wages and thus created panic among the workers; and the Union said that they would take drastic action if Dixit was allowed to exploit the workers any more. There is no doubt that apart from his job as a commission holder Dixit had also secured work contracts from the Company in the hope of augmenting his income. Contractors like Dixit are naturally not employees of the Company.

Thus the fact of the matter is that from November, 1956, Dixit was a commission holder as well as a contractor of the Company. He was given some contracts by the Company so that he might be able to augment his income; and the Company appears to have done what it could to help him after his accident.

From Exhibit 26 K.C. and 28 K.C. (and there must be other letters on the subject) it is clear that Dixit received contracts for wagon loading, earth cutting, making underground dams, carrying coal etc.

It is the main contention of Dixit that by office order, dated 21/22nd November 1959 (Exhibit 19 K.L.) he was appointed shift-in-charge for production. This may appear strange if for no other reason than that a person who was a contractor of the Company should be appointed simultaneously a shift-in-charge and while he was also a commission holder supervising his own men and received 2 annas per tub of coal raised. There is, however, no doubt that Exhibit 19 K.L. was signed on 21/22nd November, 1959, by the manager of the Kotma Colliery, but this office order was not issued for reasons which have been stated by Mr. Chaturvedi in his evidence.

Mr. Chaturvedi joined Kotma Colliery on 1st July, 1958, as an assistant manager and was there upto March, 1959. He was then transferred to Nowrozabad, and was sent back again to Kotma on 27th December, 1959, as manager, and continued as such till October, 1960. Mr. Chaturvedi says: "I know Amar Nath Dixit. He was working as a commission holder and contractor during my first stay. On my second posting to Kotma I found him to be a mining sardar in addition to the work which I found him doing previously. As mining sardar he was getting Rs. 70 in addition to what he was receiving as a commission holder and contractor. I have never seen him working as a shift-in-charge nor have I known in any way that he was working as a shift-in-charge. When I was taking over from Mr. Jha I saw this office order Exhibit 19 K.L. and he told me that it had not been enforced, nor did I find that the order had been implemented. It is not correct that Dixit was working as a mining sardar in the first shift and shift-in-charge in the second and third shifts. The other two persons named in the order were the deputy overmen and this order was not implemented as regards them either. None of them was competent to take charge as shift-in-charge. Exhibit 29 K.C., dated 1st January, 1960 is the authority given authorising Dixit to be a mining sardar, while I was in Kotma. A man who is a mining sardar in the first shift cannot be asked to work in the other two shifts legally. No disciplinary action was taken against any commission holders. Historically there had been a shortage of miners and so these commission holders were appointed to recruit labour. In our place also there was a similar practice till the trouble of labour shortage got reduced. This scheme of commission holders was discontinued at Nowrozabad also. In Nowrozabad the Union raised a dispute about the termination of the appointment of commission holders; but the Government did not refer that dispute. It is not correct that Dixit was compelled to take certain work contracts on pain of losing his work as commission holder. The contracts were beneficial to him and voluntarily taken on by him. I gave several of these contracts. In many cases he came forward and asked for the contracts; at times I asked him whether he would like to take up any of the contracts. He was given these jobs to help him as he had suffered as a result of the accident. Mr. K.P. Singh came as a manager to Kotma in February 1960. The authorisation Exhibit 29 K.C. was issued by me on 1st January, 1960, (Authorisation regarding appointment of Dixit as sardar). K.P. Singh signed Exhibit 29 K.C. on 15th February, 1960. The practice is that when a new manager comes he satisfies himself as to the capacity of the employees to do their jobs and countersigns. I had issued a fresh authorisation as to Dixit working as a mining sardar, may be there was a previous

authorisation, may be it could not be found. The practice is for the new manager to give a fresh authorisation or countersign any previous one. * * * * The commission holders had no definite hours of work. But they had to execute certain duties in all the three shifts. They were required to put in 8 hours work in 24. I see Exhibit 18 K.L. where the manager tells the commission holders that they must go down the mine and stay there for about 8 or 10 hours spread over all the three shifts. I think this was a direction in the circumstances about which he was referring in the order. There used to be days when these commission holders would not go down at all. They would come to the surface and remain for half an hour or an hour and go back. If the circumstances below were normal the commission holders may or may not go down even for days together and we would not bother, but we would deduct commission if they stayed away for more than 10 days at a time. If he was absents himself frequently like this I would stop it. If he absents himself monthly for 10 or 12 days throughout the year I would stop him. I will tell you why Rs. 70/- was fixed as salary of a mining sardar in the case of Dixit. He was already working as a commission holder and contractor, and therefore we could not expect him to give his full time to the duties of mining sardar. Every shift the mining sardar has to make two inspections of the working face and in the circumstances we considered Rs. 70/- to be sufficient for him. He must state in the report that he has made two rounds of the work being carried on. * * * * Dixit was putting in about 2 or 3 hours daily when he was sent as mining sardar. As regards commission holders there was no prescribed form for their leave as is required to be filled up for the employers. The commission holders appointments were terminated under orders of the Head Office. I know generally that the scheme of contractors' labour was being discontinued. The sum of Rs. 70/- payable to Dixit for doing the work of sardar was fixed at a meeting between myself and the contractor and Mr. Bharucha. There was no other demand existing at that time concerning Dixit. Dixit worked as mining sardar from 14th September, 1959 to 1st January, 1960. * * * Dixit approached me and verbally told me that he wanted something to be paid to him for acting as mining sardar during the period Dixit worked as mining sardar in the first shift. It is shown from the record that Dixit was present during the period stated from 7 in the morning till 3 in the afternoon; and this was so because Dixit was a contractor on the job in No. 2 stone rift. His report as mining sardar shows that. I did not always appoint him as a mining sardar when he was working as a contractor. Normally additional sardars would have been put there, but we were short of sardars and that is why he had to be taken again during this period. As sardar his work ended on 1st January, 1960. Every mining sardar must state in his report that he had made two rounds of the work which was being carried on Dixit was putting in about 2-3 hours daily when he was sent as mining sardar. As regards commission holders there was no prescribed form for their leave. I know generally that the scheme of contractors' labour was being discontinued."

It is clear that Dixit was never given any order appointing him as shift-in-charge, nor did he work as such. Mr. Jha's intention of appointing him as shift-in-charge was not acceptable to Mr. Chaturvedi who succeeded him as manager, and so Exhibit 19 remained a dead letter. It is also clear that Dixit worked as mining sardar for just three and half months ending with 1st January, 1960, and he was so appointed as a temporary measure owing to shortage of sardars. He worked for only 2 or 3 hours a day as mining sardar.

The claim of Dixit is put forward in para 13 of the statement of claim. It is to the effect that the termination of services of Dixit from 19th January, 1962 was not justified; that Dixit was working as mining sardar/commission holder since about 1959 and was also employed as shift-in-charge from 24th November, 1959; and that the termination of services without any reasons given was not justified. I have already held that he was never appointed shift-in-charge and in fact he never acted as such. As to his claim that he became a 'workman' of the Company on his appointment as commission holder, such a claim is not sustainable having regard to the nature of his duties as expressed in Exhibit 23 K.C. and as brought out in the evidence. As regards his appointment as mining sardar for a short period of about three months, he was so appointed because of shortage of sardars and the appointment was a temporary one; he was a commission holder and also had contract jobs for which he was being duly paid and his work as such mining sardar did not exceed 2 or 3 hours a day.

The suggestion of Dixit that the Company dispensed with his services because he espoused the cause of the I.N.T.U.C. Union was not pressed, and in fact it had no foundation.

The first issue is answered in the negative: Dixit was never appointed as shift-in-charge nor did he act as such. As regards the second issue, namely, the termination of Dixit's services as commission holder with effect from 19th January, 1962 was justified as the Company no longer needed commission holders as the supply of labour had improved. Apart from this in my view Dixit's appointment as commission holder with the duties which he had to perform as such and the terms of appointment which applied to him did not create for Dixit the relationship of 'workman' vis-a-vis the Company. And no claim could be validly pressed as regards the termination of sardar's post, as it was a temporary assignment to meet a contingency, with limited hours of work, which at the same time helped Dixit financially; and in this connection it is not correct that Dixit did not know the reasons for the termination of his employment.

Issue (a) first part is answered in the negative and issue (b) first part is answered in the affirmative.

Now, therefore, I make this award at Bombay this the 17th of June, 1967.

(Sd.) F. JEEJEEBHAY, Arbitrator.

[No. 8/109/64-LRII-L]

S.O. 2273.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Rangakanali Colliery, P.O. Samdi, District, Burdwan and their workmen which was received by the Central Government on the 23rd June, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 80 OF 1966

PARTIES:

Employers in relation to the Rangakanali Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri C. L. Ganguli, Advocate.

On behalf of workmen—Shri N. R. Roy, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/41/65-LR-II, dated 17th January, 1966 the Central Government referred for adjudication an industrial dispute between the employers in relation to the Rangakanali Colliery, P.O. Samdi, Distt. Burdwan, and their workmen arising out of the termination of service of Shri Sudhir Kumar Chowbey, Overman with effect from 28th January, 1965.

2. Shri Sudhir Kumar Chowbey was appointed as overman, Rangakanali Colliery with effect from 2nd March, 1964. The management not being satisfied with his work served him with a month's notice on 18th September, 1964. At the intervention of the Conciliation Officer, Central, Niamalpur, the management agreed to take back Sudhir Kumar Chowbey in their service and Shri Chowbey joined on 28th November, 1964. 29th November, 1964 was a Sunday and on 30th November, 1964 Shri Chowbey did not join but sent an application stating that he was ill. At first he applied for 13 days' leave and subsequently he sent another application for extension of leave by one month. The management by a letter asked him to send a medical certificate in support of his plea of illness. According to the management no such medical certificate was sent by Shri Sudhir Kumar Chowbey and the management accordingly after issuing a warning letter on 14th January, 1965 again gave him one month's notice on 28th January, 1965.

3. According to the workman he had sent a medical certificate as required by the management.

4. Both the parties had filed their written statements and the case was fixed for hearing on 23rd May, 1967. On that day both parties asked for adjournment and stated that there was chance for settlement. Accordingly, the case was fixed on 16th June, 1967. On that day, the parties filed a joint petition of compromise by which Sudhir Kumar Chowbey was to be paid a compensation of Rs. 500/- in the presence of the tribunal on 21st June, 1967 and such payment would be in full and final settlement of his claim i.e. Sudhir Kumar Chowbey would give up his claim for reinstatement. A copy of the joint petition of compromise is annexed for reference. On 21st June, 1967 the parties appeared before the tribunal and the company made the promised payment to Shri Sudhir Kumar Chowbey who was thereupon granted a receipt. Thus, the claims of the workman are satisfied and there is no dispute now. A duplicate of the receipt for the money has been kept on the record.

(Sd.) S. K. SEN.

The 21st June, 1967.

Presiding Officer.

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of an Industrial Dispute

BETWEEN

The Employers in relation to Rangakanali Colliery, Burdwan,

AND

Their workmen, represented by Colliery Mazdoor Union, Asansol.

The humble joint petition of both parties named above.

MOST RESPECTFULLY SHEWETH:

1. That today (15th June, 1967) your petitioners have agreed to the following terms of settlement:

(i) Shri Sudhir Kumar Chowbey, the concerned workman in the dispute would be paid Rs. 500/- (Rupees Five hundred) as ex-gratia payment in full and final settlement of his claim.

(ii) That the said payment would be made on 21st June, 1967 before the learned Tribunal in presence of the representatives of the Union to Shri Chowbey.

Under the circumstances your honour may be graciously pleased to make an award in terms of the aforesaid settlement.

And for this your petitioners shall ever pray.

(Sd.) Illegible,
Organising Secy.
15-6-1967.

(Sd.) Illegible,
Rangakanali Colliery.
15-6-1967.

for Workman

SUDHIR KUMAR CHOWBEY,

15-6-67.

(Concerned Workman.)

Witness:—
N. R. Roy,
Advocate
15-6-1967

for Employers

Witness:—

C. L. GONGULI,
Advocate,
Witness.
15-6-1967

[No. 6/41/65-LR-II.]

S.O. 2274.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Babisole Colliery (Post Office Ondal, District Burdwan) and their workmen which was received by the Central Government on the 23rd June, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 53 OF 1966

PARTIES:

Employers in relation to the Babisole Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of employers—Shri B. Lall, Labour Advisor.

On behalf of workmen—Shri P. Das Gupta, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By order No. 6/13/65-LR-II dated 17th September, 1965 the Central Government referred for adjudication an industrial dispute between the employers in relation to Babisole Colliery, P.O. Ondal, Distt. Burdwan and their workmen in respect of the subject matter mentioned in the following schedule:

“(1) Whether the Management of Babisole Colliery was justified in dismissing Shri Munni Missir, Tugger Khalasi of the said Colliery with effect from the 8th October, 1964?

(2) If not, to what relief is the workman entitled?”

2. The workman concerned, Munni Missir, used to work as Tugger Khalasi at Babisole colliery and according to his own statement, he had been working from 1958 until he was dismissed by an order dated 7th October, 1964. According to the case of the management, one Ram Kewal Bhar, a Timber mistri was charge-sheeted by the management on 15th September, 1964 and was suspended from that day. On 15th September, 1964 Munni Missir and Ram Kewal Bhar with a number of other men assembled at midnight at the pit head and Munni Missir exhorted workmen collected not to join their shift unless Ram Kewal Bhar was permitted to join the night shift and the suspension order passed on him was withdrawn. Munni Missir and Ram Kewal Bhar also shouted that they would beat the manager when he would come out of the mine. The manager, Sri K. N. Choudhury, had gone down the mine for inspection at about 10-30 p.m. and was due to come up at about that time. Sri B. B. Srivastava, employed at Babisole colliery as an onsetter also had come to join that shift. On hearing the threats against the manager he went down the mine and informed the manager about the situation, the manager then being at the pit bottom of No. A pit. On receiving the information the manager sent Surali Gope, a timber mistri, to the Director Sri S. K. Jain to apprise him of the position and to request that some guards might be sent to the pit head to escort the manager from the pit head to his house. Some guards were accordingly sent to the pit head and the manager came up about an hour after the trouble had started and he also saw Munni Missir and Ram Kewal Bhar at the pit head shouting threats against the manager and other people. Thereafter Munni Missir and Ram Kewal Bhar compelled the attendance clerk, Dinanath Singh, to record the attendance of Ram Kewal Bhar who would have had duty in the third shift but for the order of suspension on him. The attendance clerk at first protested, but under threat he was compelled to record the attendance of Ram Kewal Bhar and to permit him to go down into the mine. Thereafter other workmen who had been standing outside apparently sympathising with Munni Missir and Ram Kewal Bhar also had their attendance recorded and when down into the mine to attend to their shift, there being thus a delay of over one hour in their joining the shift.

3. On 17th September, 1964 the manager drew up a chargesheet against Munni Missir charging him with collecting a mob at the pit top with the common object of intimidating and assaulting the manager in connection with the demand that the chargesheet and suspension order against Ram Kewal Bhar be withdrawn and that he instigated the workmen not to join the shift as a result of which the work in the third shift was delayed by more than an hour. Munni Missir submitted a reply which was drafted and typed at the union office, alleging that the charges were false and that the chargesheet had been drawn up in order to victimise him as he had become the Secretary of the local branch of the colliery Mazdoor Sabha. He further stated that his duty was in the first shift both on 15th September and 16th September and that at about midnight of 15th September he was sleeping at his quarter and was not present with a mob at the pit head to compel the manager to withdraw the suspension order against Ram Kewal Bhar. The reply was not considered satisfactory, and a date for enquiry was fixed, and Sri S. K. Singh the then Labour Welfare Officer at Babisole was directed to hold the enquiry. The inquiry was held on 4th October, 1964. The enquiring officer in his report stated that the charges were proved. The manager then obtained the approval of the director Sri S. K. Jain to the proposed order of dismissal and passed the order of dismissal on 7th October, 1964.

4. According to the union, the charges are all false and this proceeding was started in order to victimise Munni Missir for his trade union activities, as he

had become the Secretary of the branch committee of the union at Babisole Colliery and was taking an active part in representing grievances of the workmen to the management and to the Labour Inspector and other officers. As regards the enquiry, the union's case was that the enquiry was not held at all and that on 4th October, 1964 when the workman appeared for the enquiry, instead of examining the witnesses in his presence the inquiring officer asked him to put his thumb impression on a piece of blank paper which he refused to do. He sent a letter on the following day protesting against what had happened at the alleged enquiry, but he thereupon received the order of dismissal dated 7th October 1964.

5. In this case, Munni Missir is the only witness examined on behalf of the union, and his evidence was recorded in the absence of any representative of the management on 3rd April, 1967. Thereafter at the request of the management the union was directed to produce Munni Missir for cross examination at the cost of the management, but Munni Missir did not appear again for cross examination, and it was reported on behalf of the union that he had gone back to his native village from the colliery and could not be contacted. Accordingly on the adjourned date of hearing 20th June, 1967 the evidence on behalf of the management was taken and arguments heard, the evidence of Munni Missir being considered though the same was not tested by cross-examination.

6. As regards Munni Missir having become the Secretary of the local branch of the union, Colliery Mazdoor Sabha, which was established at the colliery in March, 1964, there is only the oral evidence of Munni Missir himself and no documentary evidence has been produced to show that Munni Missir was elected as an office bearer or Secretary of the branch committee at Babisole; neither has any copy of any representation made to the manager or to the labour Inspector or Conciliation officer been produced to show that Munni Missir took an active part in representing the grievances of the workmen. Shri S. K. Sinha, Labour Welfare Officer examined on behalf of the management, has stated that to his knowledge no representation was ever made by Munni Missir on behalf of workmen. There is therefore no material for holding that being dis-satisfied with his union activities, the management wanted to get rid of Munni Missir.

7. As regards the enquiry, Sri S.K. Sinha, Labour Welfare Officer who held the enquiry stated on oath that the enquiry was held by him on 4th October, 1964 and that the chargesheeted workman Munni Missir, was present throughout the enquiry, and that in the presence of the workman 6 witnesses were examined for the management, including the manager and the onsetter and the attendance clerk and the timber mistri as well as a Nightguard and an office peon. It appears from the evidence of S.K. Sinha that Munni Missir was directed to cross examine each witness but he declined to do so, and thereupon Sri Sinha himself cross examined the witnesses at some length in order to find out whether the evidence was true. Thus he ascertained from the manager himself that at that time Munni Missir had duty in the first shift on each day and not in the third shift. But there was the evidence of not only the manager, K.N. Choudhury, but several other witnesses like B.B. Srivastava, Onsetter, Dinanath Singh, Attendance clerk and Surali Gope, Timber mistri that Munni Missir was actually present along with Ram Kewal Bhar at the pit head and shouting threats against the manager and dissuading other workmen from joining the shift unless Ram Kewal Bhar was allowed to join his shift. The enquiring officer also questioned the witness about the union activities of Munni Missir and found out that none of the witnesses knew about Munni Missir becoming the Secretary of the branch committee of the union or of his having made any representations to the management or to anybody else. I must accept the evidence of enquiring officer, which is supported by the record of the enquiry. Ext. A, in preference to the uncorroborated testimony of PW 1, Munni Missir, that when he arrived for the enquiry he was only asked to put his thumb impression on a piece of blank paper and that no witness was examined in his presence. Munni Missir added that when he refused to put his thumb impression, he was caught hold of by two chaprasis at the order of the manager and was assaulted by them, and that when he shouted and people began to collect outside, he was released for fear of a disturbance. This case was not stated in the written statement of the union and it is clear that the evidence of Munni Missir was to what happened at the enquiry cannot be believed. I hold therefore that the enquiry was properly held in accordance with the accepted procedure for such domestic enquiries.

8. The finding made by the enquiring officer is supported by the evidence before him. Shri P. Das Gupta appearing for the union urged that no evidence

had been adduced before the enquiring officer to show that the work was stopped for more than an hour in the night shift of 15th September, 1964; but on this point there is the evidence of some witnesses like the attendance clerk Dinanath Singh and others. Sri Das Gupta also found fault with the non-mention of Ram Kewal Bhar in the chargesheet served on Munni Missir. Ram Kewal Bhar was served with a separate chargesheet and therein his presence at the pithead was mentioned. In the chargesheet against Munni Missir the management was concerned with the part taken by him and the misconduct committed by him, and it was not therefore necessary to mention in the chargesheet that Ram Kewal Bhar was present along with him at midnight of 15th September, 1964; but this fact came out in the evidence of almost all the witnesses. Sri Das Gupta also urged that the enquiry officer had not properly dealt with the defence taken by Munni Missir that Munni Missir had duty in the first shift and had therefore no cause to be present at midnight at the pit head. This defence was however fully dealt with by the enquiring officer, and he found that even though Munni Missir had duty in the first shift he had actually been present at the pit head at midnight of 15th September, 1964. There is therefore no reason at all to interfere with the finding of the enquiring officer or to interfere with the sentence which was passed by the manager after obtaining approval from the director-in-charge.

9. Accordingly, my award is that the management of Babisole Colliery was justified in dismissing Sri Munni Missir, Tuggar Khalasi with effect from 8th October, 1964; and the workman is not entitled to any relief.

Dated the 20th June, 1967.

(Sd.) S. K. SEN,

Presiding Officer.

[No. 6/13/65-LR.II.]

New Delhi, the 28th June 1967

S.O. 2275.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Bankola Colliery, P.O. Ukhra, District Burdwan and their workmen which was received by the Central Government on the 23rd June, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NOS. 85 AND 89 OF 1966

PARTIES:

Employers in relation to the Bankola Colliery

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri D. Narsingh, Advocate.

On behalf of Workmen.—Shri P. Das Gupta, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/116/65-LR.II, dated 22nd February, 1966 the Central Government referred for adjudication an industrial dispute between the employers in relation to the Bankola Colliery, P.O. Ukhra, District Burdwan and their workmen arising out of the dismissal of Shri Makloo Ahir, Loader. By Order No. 6/115/65-LR.II, dated 25th February, 1966 a dispute between the same parties arising out of the dismissal of Shri Gurudn Prasad, Coal Cutting Machine Mazdoor, was referred for adjudication. The two workmen were dismissed as a result of the same domestic enquiry and accordingly the two references have been taken up together with the consent of the parties.

2. According to the case of the Union, the Colliery Mazdoor Sabha, Asansol, Makloo Ahir was the Organising Secretary and Gurudn Prasad the Secretary of

the Branch Committee of the Colliery Mazdoor Sabha at Bankola Colliery and they were taking an active part in the Union activities including representation of grievances to the Manager and Labour Welfare Officer and to the Labour Inspector and Assistant Labour Commissioner, Central; and the management, therefore, wanted to get rid of them. Both the workmen were accused in some cases pending before the Magistrate's court at Asansol and they had to go to Asansol Court from time to time on the dates fixed for their appearance before the Court. For their absence on such dates the management used to chargesheet them or issue warning letters on them. On 20th January 1965 they again had to appear before the Asansol Magistrate's Court in connection with the criminal case and on that day they were arrested by the police in connection with another case a dacoity case of Baraboni, and in that dacoity case they were detained in Jail from 20th January 1965 to 11th March 1965 or 12th March 1965, after which they were released on bail and appeared at Bankola Colliery and sought to join their work. They were not however permitted to join but they were chargesheeted and ultimately they were dismissed as the result of an enquiry; Makloo Ahir being dismissed by an order dated 12/13th May 1965 and Gurudin Prasad being dismissed by an order dated 8th May, 1965. According to the Union, the enquiry was a farce and there was complete violation of principles of natural justice at the enquiry and the two chargesheeted workmen had protested, against the enquiry by letters on the day after the date of enquiry. According to the Union, therefore, the orders of dismissal could not be sustained and the union pressed for reinstatement with full back wages.

3. The management in their written statement denied that the workmen Makloo Ahir and Gurudin Prasad had been singled out for victimisation or that for their trade union activities the management wanted to get rid of them. According to the management they had no information of the arrest of Makloo Ahir and Gurudin Prasad in connection with the dacoity case until they received a joint application from the jail on 3rd February, 1965 informing the management about their detention in the dacoity case and asking for indefinite leave for the period that they might be detained in jail, and that the management refused to grant such leave and wrote letters accordingly on 5th February 1965, c/o the Jail Superintendent, Asansol but the letters came back unreserved; and when the workmen reported at the colliery, Makloo Ahir reporting on 13th March and Gurudin Prasad on 12th March, 1965, they were served with chargesheets for habitual absence without leave and continuous absence without sufficient cause from 20th January 1965 to 12th March in the case of Makloo Ahir and to 11th March in the case of Gurudin Prasad. The enquiry was held by the Group Welfare Officer, Shri A. P. Sinha, in the presence of the two delinquents and with due observance of the requirements of natural justice: the enquiring officer found both the charges proved against the delinquents though he pointed out that against Gurudin Prasad the charge for unauthorised absence for over 10 days was proved from 21st January and not from 20th January 1965, as he had obtained leave for the 20th January from the colliery authorities. With the approval of the Chief Mining Engineer the manager thereupon passed orders of dismissal, and according to the management the orders were perfectly legal and valid.

4. Makloo Ahir and Gurudin Prasad have deposed before the tribunal. They have stated that Makloo Ahir was the Organising Secretary and Gurudin Prasad the Secretary of the Branch Committee of the Union at Bankola, and they both claimed that they took part in making representations to the manager in respect of grievances of the workmen as to measurement slips, lead and lift money and so on. Shri Sunil Sen, Organising Secretary of the Colliery Mazdoor Sabha, Asansol, spoke of sending many complaints to the Government authorities relating to the grievances of the workmen at Bankola Colliery and he proved some Government letters received in response to the complaints, e.g. Ext. 4 dated 6th September 1963 from the Labour Inspector, Central, Ukhra, informing the General Secretary of the Colliery Mazdoor Sabha, Asansol that action had already been taken relating to his complaint as to issue of measurement slips at Bankola Colliery; Ext. 4A, a letter from the Labour Inspector, Central, Ukhra to the Colliery Mazdoor Sabha, Asansol relating to lead wages of underground leader; and Ext. 4B dated 17th December 1964 from the Regional Labour Commissioner, Central, Calcutta to the Colliery Mazdoor Sabha, Asansol relating to the supply of safety hats free of cost to the workmen of Bankola and several other collieries and refund of security deposits taken from the workmen. These letters naturally do not show the names of Makloo Ahir and Gurudin Prasad, but there is evidence of Sunil Sen that Makloo Ahir and Gurudin Prasad Bhuneswar Kuri, Kanai Dubey, and Chandra Balli Singh were prominent union workers at Bankola, and that when a Labour Inspector visited the mine in connection with complaints, Sunil Sen or some other union official informed the Labour Inspector that these persons might be contacted

at the colliery in connection with the enquiry. Shri P. Das Gupta appearing on behalf of the union has also referred to a remark made by Shri I. P. Dave, Presiding Officer of the Central Government Industrial Tribunal, Calcutta in Miscellaneous Case No. 7 of 1962 under Sec. 33(2)(b) of the Industrial Disputes Act to the effect that there was considerable force in the union's contention that Gurudin Prasad had been victimised for his Trade Union activities. The miscellaneous application was for approval of orders of dismissal passed on two workmen, Nasiruddin Saik and Gurudin Prasad. Shri Dave approved of the order of dismissal passed on Nasiruddin Saik, but he did not approve of the order of dismissal passed on Gurudin Prasad and made the aforesaid comment in that connection. This comment does not of course indicate that the present order of dismissal amounts to victimisation for trade union activities; but the order of Shri Dave goes to show that the management must have been aware of the trade union activities of Gurudin Prasad. In this connection it is significant to mention that Shri A. P. Sinha, Enquiring Officer in the present case who deposed for the management, stated that he knew when he held the enquiry that Gurudin Prasad was a member of the Colliery Mazdoor Sabha, but he was not aware whether Makloo Ahir was also a member.

5. I must accept the evidence on the side of the union to show that Makloo Ahir was working as Organising Secretary and Gurudin Prasad as Secretary of the Branch Committee of the Colliery Mazdoor Sabha at Bankola. The question however is whether the enquiry was held fairly and whether there was evidence before the enquiring officer to sustain the findings made by him on the two charges. The two workmen stated that on 24th March 1965, to which date the enquiry was adjourned from 22nd March 1965, the enquiry officer asked the workmen to give up the Laljhanda Union, and on their refusal, threatened them and asked them to go away, and that no inquiry was held in their presence. But that case was not taken in the union's Written Statement, the objection therein being that the inquiry was held in violation of principles of natural justice. The inquiry officer Shri A. P. Sinha, deposed that witness was examined for the management in the presence of the delinquents and then the statement of the delinquents were recorded. The inquiry proceedings Ext. D fully supports the evidence of the inquiry officer, and question put to the inquiring officer in cross-examination assumed that the inquiry was properly held, e.g. whether too many searching questions were put by the inquiring officer to the delinquents I find that the inquiry was properly held.

6. Shri Das Gupta has urged that since admittedly Gurudin Prasad obtained leave for 20th January 1965 to enable him to attend the Asansol Magistrate's Court on that day and since the charge against him mentions continuous absence without sufficient case from 20th January 1965 to 11th March 1965 the charge was bad and Gurudin Prasad should have been found not guilty of that charge. The enquiring officer's report, Ext. E however shows that the enquiring officer took into consideration the fact that Gurudin Prasad had obtained authorised leave for 20th January. He observed that this was a minor flaw in the charge and since continuous absence for over 10 days from 21st January 1965 had been proved the delinquent must be found guilty of the charge. Shri Das Gupta has urged that the enquiring officer had no power to alter the charge relating for absence from 20th January 1965 to a charge of absence from 21st January 1965. I must hold however that this minor correction of the charge was fully within the powers of the enquiring officer. Strictly speaking this is not the case of correction of the charge but finding the charge proved in respect of the period from 21st January 1965 to 11th March 1965 even though the chargesheet mentioned absence from 20th January 1965 to 11th March 1965. Such a finding must be considered perfectly legal.

7. It appears however that in coming to his finding that Makloo Ahir and Gurudin Prasad were absent without sufficient case for that period of more than 10 days, the enquiring officer relied on a conclusion which is not justified on the evidence. It has already been mentioned that from Asansol Special Jail the two delinquents submitted a petition for leave for an indefinite period i.e. for so long they might be detained in jail, and that application reached the management on 3rd February 1965. The application is Ext. B3 and it is dated 28th January 1965. On receiving the application, in view of the fact that no leave was due to either of the workmen and that leave for an indefinite period could not be allowed, the management wrote back saying that their application for leave was being rejected. The office copies of these letters of the management dated 5th February 1965 are Ext. A5 and B7 respectively. Ext. A6 and B8 are the registered covers showing that the registered letters came back unserved. They bear the endorsement 'left' with the date 11th February 1965. From this the enquiring officer inferred that the two delinquents were no longer detained at Asansol Special jail from 11th

February 1965 and they must have been somewhere else until they reported back at the Colliery on 13th and 12th March respectively. Before the enquiring officer there was a statement made by Gurudin Prasad that he was released from jail on 11th March 1965 at 7 P.M. and a statement by Makloo Ahir that he had been released from jail on 12th March 1965. Apart from the letters which came back unserved, the management did not produce any other evidence, e.g. extract of the order sheet of the case before the Magistrate, to show when actually Makloo Ahir and Gurudin Prasad obtained bail orders from the Magistrate or Sessions Judge and were released on bail. In the circumstances, from the endorsement 'left' in the two returned registered covers, Ext. A6 and B8, it was not proper to come to the conclusion that the delinquents were no longer at Asansol jail from 11th February 1965 and that they must have been somewhere else for about one month before they reported for duty. Shri D. Narsingh appearing for the management has referred to two cases of the Supreme Court, *Burn & Co. and their Employees* (1957 1 LLJ 226) and *Indian Iron and Steel Company Limited and Workmen* (1958 1 LLJ 260). In both these cases the Supreme Court upheld the order of termination of service in respect of some workmen without service of any chargesheet and without any domestic enquiry when the workmen had been arrested and detained in jail under the Security Act for a fairly long period exceeding two months. In the present case the two workmen were absent for nearly one month and 20 days and the management could have availed in the case of Gurudin Prasad, who went on one day's authorised leave, of the provisions of paragraph 10, clause (f) of the Certified Standing Orders, and terminated the lien of the workmen. This course however was not adopted by the management. So far as Makloo Ahir is concerned, this provision would not strictly apply, because it does not appear that he had taken leave for 20th January 1965; although Makloo Ahir himself said that he had taken leave without pay for that day, no leave application or leave pass could be produced, and therefore the management's case must be accepted that he had not taken any leave for that day. Chargesheets were drawn up against the two workmen for misconduct under clauses (d) and (n) of paragraph 18 of the Standing Orders. Clause (n) refers to continuous absence without permission and without satisfactory cause for more than 10 days. If for making the finding of absence without sufficient cause the enquiring officer relied on a conclusion which is not justified, it cannot be said that the finding is one which a reasonable man would have arrived at. I should add however that without such a conclusion (as to playing truant for about one month after release from jail) the management could have taken the view that detention in connection with a dacoity case was not sufficient cause for absence from duty, on the analogy of the Supreme Court cases cited by Shri Narsingh. But the Inquiring Officer or the Manager nowhere expressed that view.

8. The finding made by the enquiring officer as to the other charge relating to habitual absence is open to stronger criticism. So far as Makloo Ahir is concerned, it appears that the only evidence before the enquiring officer was the fact that for an earlier period of absence from 18th September 1964 to 28th October 1964 without leave, he had been chargesheeted and on enquiry he was found guilty of that charge, but the manager decided not to award any punishment. The papers of that enquiry form annexures to the present enquiry proceedings, Ext. D. The two workmen, Makloo Ahir and Gurudin Prasad, in their evidence before the tribunal spoke about the facts which had caused that absence from 18th September 1964 to 28th October 1964. They stated that they were in jail custody for a month and a half, and on that occasion the manager and some other officers of the company were also arrested; and that when they were released from the jail the workmen were permitted to join and then they were served with chargesheets but no punishment was ultimately imposed on them. It would appear, therefore, that there was a riot involving the company's officers as well as many workmen in August or September 1964, and many men from both sides were, therefore, arrested by the police. The absence without leave for the period charged was the period during which Makloo Ahir was detained in jail. No other instance of previous unauthorised absence was proved at the domestic enquiry against Makloo Ahir. In the circumstances, the inference as to habitual absence could not at all be justified.

9. In the case of Gurudin Prasad, the evidence before the enquiring officer was a similar absence from 18th September 1964 to 28th October 1964, and three other instances of warning for absence on single days, namely 18th November 1964, 12th December 1964 and 26th December 1964. It appears from the enquiry proceedings, Ext. D. that regarding the absence on the aforesaid dates Gurudin Prasad was not asked to explain the reason for such absence. Before the tribunal Gurudin Prasad has stated in his evidence that on 18th November 1964 an application for leave in Hindi was filed; a carbon copy of the application was marked, Ext. 9 subject to

objection as the original had not been called for. It appears however that the letter was written at the union office at Bankola by one Chandra Balli Singh. It was a joint application for leave for 18th November 1964 for attending the Asansol Court by Gurudin Prasad and several other workmen. Even if the evidence is accepted, it would appear that Gurudin Prasad and other workmen did not apply for leave in the usual way to the labour bureau or submit their application to the leave clerk but they filed a joint petition in Hindi from the union office. According to the case of the management the original of this application was never received at the colliery office. The fact therefore that Gurudin Prasad applied for leave for 18th November 1964 cannot be said to have been proved. But there is the evidence of Makloo Ahir that on two dates in 1964 he had to appear at Asansol Court and that when he returned after attending the court the management served letters of warning on each occasion. Gurudin Prasad did not say so expressly in his evidence before the tribunal, but in the written statement filed on his behalf by the union it is stated in paragraph 6 that whenever the workmen had to go to Asansol Court on the summons of the court, the management used to chargesheet him. During argument it has been urged that the management instead of chargesheeting the workman, sometimes issued letters of warning. It appears that the Management let him off with letters of warning as the management were perfectly aware that he had to go to attend the Asansol Court being an accused in the case which was pending from September 1964. In any case, when the last warning was given it was stated that he was being warned that if such absence without permission was repeated, disciplinary action would be taken in future; and thereafter his only absence was the absence from 21st January 1965 to 11th March 1965 during which period he was detained in jail. It cannot be said that even against Gurudin Prasad the charge of habitual absence without permission was proved. Gurudin Prasad did not make a habit of being absent from time to time without permission but his absence on each occasion was for reasons beyond his control.

10. My award, therefore, in case No. 85 of 1966 is that the order of dismissal passed on Makloo Ahir, leader with effect from 13th May 1965 (and not from 14th May 1965 as stated in the reference order) by the management of Bankola Colliery was not justified, and I direct that he be reinstated within one month of the date of publication of the award.

11. Similarly, I award in Reference Case No. 89 of 1966 that the order of dismissal of Shri Gurudin Prasad, Coal Cutting Machine Mazdoor, with effect from 8th May, 1965 (and not 10th May 1965 as mentioned in the reference order) by the management of Bankola Colliery was not justified and I direct that he be reinstated within one month of the publication of the award.

12. For much of the delay in the hearing of these cases, the repeated prayer for adjournment by the union was responsible; moreover if the charge of habitual absence had not been added, and the charge of continuous absence had been dealt with properly, the Management might have had their orders upheld. In the circumstances, I do not award any pay for the period from the order of dismissal to the date of reinstatement but the period will be treated as leave without pay and continuity of service will remain unaffected.

No order is made as to costs.

Dated the 19th June 1967.

(Sd.) S. K. SEN,
Presiding Officer.
[No. 6/116/65-LRIL.]

New Delhi, the 30th June 1967

S.O. 2276.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employees in relation to the Babisole Colliery, Post Office Ondal, District Burdwan and their workmen which was received by the Central Government on the 27th June, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 93 of 1966

PARTIES:

Employers in relation to the Babisole Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen,

Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri B. Lal Labour Adviser.*On behalf of Workmen.*—Shri P. Das Gupta, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/4/66/LRII dated 17th March, 1966 the Central Government referred for adjudication an industrial dispute between the employers in relation to the Babisole Colliery, P.O. Ondal, Dist. Burdwan, and their workmen in respect of the subject matter mentioned in the following schedule:

"1. Whether the dismissal of the following workmen by the management of Babisole Colliery is justified:

- (i) Shri Dudhnath Ahir, fireman.
- (ii) Shri Attarlal Mondal, Line Mistry
- (iii) Shri Ananda Bose, Fitter helper
- (iv) Shri Sheo Kumar, Line Mazdoor.

2. If not, to what relief are these workmen entitled?"

2. The case for the management was briefly as follows:—On 7th November, 1964 the manager of Babisole colliery, Sri K. N. Choudhury and the managing director Shri S. K. Jain were in conference with the Conciliation Officer, Central, Raniganj, Shri Khaka at the Colliery Office until 1 or 1.30 P.M. Thereafter with the permission of the Conciliation Officer the manager and the managing director left the colliery office in the director's car for their lunch. After they had gone a short distance the car was surrounded by a number of workers who shouted slogans and abused the managing director as well as the manager in filthy language. Dudhnath Ahir, Attarlal Mondal, Ananda Bose and Sheo Kumar, the four workmen concerned in this case, took a leading part in surrounding the car and shouting slogans and abusing the director, and the manager. On hearing the row some Night guards including Ramdeo Singh and Basudha Singh proceeded towards the spot and they were assaulted by the crowd, Ramdeo Singh, and Basudha Singh sustained serious injury including fractures for which they had to be admitted subsequently to the hospital. Information was sent on the same day to the Ondal Police by the manager and the police arrived in the same afternoon and started a case. The management drew up chargesheets against prominent workmen who had taken part in the riot, namely Dudhnath Ahir, Attarlal Mondal, Ananda Bose and Sheo Kumar. The chargesheets against Dudhnath Ahir, Attarlal Mondal and Sheo Kumar were drawn up on 8th November 1964 and that against Ananda Bose on 10th November 1964. The four workmen submitted replies drafted by Sri Sunil Sen, Organising Secretary of the Colliery Mazdoor Sabha, which started a branch at Babisole colliery in March 1964. The replies were not considered satisfactory, and enquiry notices were issued fixing 11th December 1964 for enquiry. At that time Sri S. K. Singh, the Welfare Officer was appointed to hold the enquiry. The workmen however failed to attend for enquiry on 11th December 1964 and accordingly a fresh notice of enquiry was issued fixing 2nd January 1965 for the enquiry against Dudhnath Ahir and Attarlal Mondal and 3rd January 1965 for the enquiry against Ananda Bose and Sheo Kumar. At that stage Sri A. B. Mukherjee, Personnel Officer was directed to hold the enquiry. The enquiries were held by Sri A. B. Mukherjee on the dates fixed in the presence of the workmen concerned. The enquiring officer found that the charges against the workmen had been proved and he reported accordingly. The manager thereafter after obtaining the approval of the director-in-charge passed orders of dismissal on 15th February 1965. It may be mentioned that there was delay in passing the orders of dismissal because in connection with another dispute proceedings were going on before the Conciliation Officer, Central, Raniganj until 10th February 1965. According to the management the orders of dismissal were passed for misconduct proved at fair enquiries and there has been no victimisation for alleged trade union activities and therefore the orders of dismissal are legal and valid.

3. According to the union, the charges were entirely false and the dismissals amounted to victimisation for trade union activities of the four workmen. According to the union Ananda Bose was an office bearer of the branch committee of

the union at Babilsole and he was taking a prominent part in agitating against the mal-practices of the management; the other workmen Attarlal, Sheo Kumar and Dudhnath were also union members and took part in representing grievances of the workmen and accordingly the relationship between the management and the workers was unhappy. The enquiries were held in violation of principles of natural justice. A defence taken by the workmen was that at the time of the alleged incident they were engaged in their work underground being employed on the first shift from 8 A.M. to 4 P.M. on 7th November 1964 and that they could not have taken part in the occurrence at all. This defence however was not expressly taken in the written statement filed before the tribunal by the union.

4. Two of the workmen, namely Ananda Bose and Attarlal Mondal appeared and deposed before the tribunal on 3rd April 1967 when the management was not represented; the other two workmen, namely Dudhnath Ahir and Sheo Kumar failed to appear, and Sri Sunil Sen, Organising Secretary of the Colliery Mazdoor Sabha, proved the documents which they received or sent in connection with the chargesheet and enquiry against them. Subsequently the management appeared and the witnesses examined on 3rd April 1967 were directed to appear for cross examination at the cost of the management. They however failed to appear, Sri P. Das Gupta, Advocate for the union stating that the workmen had gone back to their village home and could not be contacted and that Sunil Sen, Organising Secretary, was also busy and was not available. Accordingly, it was decided to consider the evidence of the witnesses examined on behalf of the union as it stood, even though the evidence had not been tested by cross examination, and the management was allowed to lead their evidence, oral and documentary, and thereafter the arguments were heard.

5. The main points for consideration are whether there was victimisation of any of the workmen on account of their trade union activities and whether the domestic enquiry was held fairly and in accordance with the principles of natural justice. On the latter point the enquiring officer, A. B. Mukherjee has stated that the enquiries were held on 2nd January 1965 and 3rd January 1965 in the presence of the respective workers who were present throughout the enquiry and that witnesses were examined in their presence and the evidence was read over and explained to them and they were given the opportunity to cross examine the witnesses; and when they failed to cross examine, the enquiring officer himself put some questions by way of cross examination to each witness. It may be mentioned that Ananda Bose cross examined one of the witnesses examined at the domestic enquiry, viz. Lakhn Deo Singh an office peon. The evidence of Ananda Bose is that on 3rd January 1965 he went to the office and saw the enquiring officer but the enquiring officer asked him to leave the union and put his signature on a blank sheet of paper which he refused to do, and then the enquiring officer abused him and Ananda Bose thereafter left the office and no enquiry was held in his presence. He sent a complaint regarding the conduct of the enquiry on the following day vide, Ext. 6, Attarlal Mondal also gave similar evidence. It appears from the evidence that the protest letter against the enquiry was drafted by the union Secretary at Asansol i.e. by Sunil Sen. Sunil Sen admitted in his evidence that he had no personal knowledge of the facts, but he wrote what the workmen told him. In view of the enquiring officer's evidence which is fully supported by the enquiry proceedings, Ext. A and Ex. F, showing that some of the workmen had participated in the enquiries by putting some questions to the witnesses in cross examination, and the chargesheeted workmen had also been questioned by the enquiring officer and then cross examined by the manager, I must hold that the enquiries were held properly and it is not true that the enquiring officer sent away the workmen after merely asking them to leave the union and put their thumb impressions on blank sheets of paper. The enquiry proceedings show that the enquiry was conducted fairly in accordance with the principles of natural justice.

6. Shri P Das Gupta urged that Sri A. B. Mukherjee knew of the incident from before and therefore he was not competent to hold the enquiry. Sri A. B. Mukherjee's evidence is that he was not present at Babilsole colliery at the time of the incident but had gone to Asansol on business and he returned to the colliery at about 4 P.M.; and then heard of the incident. Naturally every officer at the colliery would hear of the incident which was a sensational one. Merely having heard of the incident would not disqualify an officer to hold the enquiry. The case would have been decided if Shri A. B. Mukherjee were a witness to the incident. Sri P. Das Gupta also urged that the management's case could not be believed because in two of the chargesheets the time of the offence was given as 1-15 P.M. and the other two chargesheets, against Sheo Kumar and Attarlal Mondal, the time 1-15 originally noted was altered to 2-15 P.M. This discrepancy

has however been explained on behalf of the management by stating that the manager had no time to look at his watch when the incident took place and he noted the time from his idea, and he made a correction in two of the chargesheets when he thought that the time originally noted was not quite correct. He should have made the corrections in all the four chargesheets. But this discrepancy as to the time of the incident does not justify the inference that no such incident took place. The incident was proved by several witnesses and there is no reason to think that the story about the incident was not at all true. Sri P. Das Gupta has also referred to the absence of medical evidence to show that Basudha and Ramdeo, the Nightguards had actually sustained injuries. It is true that medical evidence was not produced at the domestic enquiry. But both Basudha and Ramdeo deposed and stated that they had been injured and had been admitted to the hospital. This statement was acted upon by the Inquiring Officer and it cannot be said that the case of assault should be disbelieved merely because there is no medical evidence. Lastly, Sri P. Das Gupta has urged that the attendance register which was produced by the attendance clerk Motilal Daw in support of his evidence that the workmen had left their place of work by 12-30 or 1 p.m. instead of working for the whole shift upto 4 p.m., was not made part of the enquiry record and was not produced before the tribunal. It appears however that the attendance register was used by the attendance clerk to refresh his memory. It was inspected by the enquiring officer but not made an exhibit. It might have been better to make that attendance register an exhibit, but it cannot be said that the omission to do so vitiated the enquiry.

7. It may be mentioned at this stage that in the police case all the 4 workmen were sent upto the Sessions Court, Burdwan, and at the Sessions Court Dudhnath Ahir was convicted and sentenced to suffer two months' R.I. and the other 3 workmen concerned in this case were acquitted, being given the benefit of doubt. So far as Dudhnath Ahir, Attarlal Mondal and Sheo Kumar are concerned, the chargesheet was drawn up against them on the very next day, 8th November 1964. About them, there is no reason to reject the finding made by the Inquiring officer about their having participated in the riot. As regards Ananda Bose, however, the chargesheet was drawn up two days later, namely on 10th November 1964. Sri P. Das Gupta has urged that this was because it was considered desirable to implicate him falsely, Ananda Bose being the Vice-President of the branch committee of the union at Babisole. The management wanted to say that the manager and other officers did not know that the workmen were prominent members of the Colliery Mazdoor Sabha. It appears from the enquiry proceedings, Ext. A, against Ananda Bose and Sheo Kumar that Ananda Bose was asked by the manager whether he had ever informed the management that he was a leading member of the Colliery Mazdoor Sabha, and Ananda Bose replied that as the Manager he might be knowing that fact. Ananda Bose clearly meant that the manager must have been aware of the activities of the branch of the Colliery Mazdoor Sabha which had been opened at Babisole in March 1964 and must have also obtained information as to who were the office bearers. Even if no written report with the names of the office bearers of the branch committee was sent to the manager, I think that the manager must have been aware of the names of the principal office bearers. The fact that one of the principal office bearers, Ananda Bose, the Vice-President of the branch committee, was chargesheeted two days later justifies an inference of victimisation for trade union activities. If Ananda Bose had been seen taking a leading part in the riot by the manager and other witnesses, there is no reason why the chargesheet should not have been drawn up against him on 8th November 1964 when the chargesheet was drawn up against other persons who had participated in the riot. This aspect of the case was not considered by the enquiring officer in his report. So far as Ananda Bose is concerned, he is entitled to a reinstatement order as the proceedings started against him amounted to victimisation for his trade union activities. So far as other 3 workmen are concerned, they were not office bearers of the branch committee even though they might have become members of the union, and chargesheets were drawn up promptly against them, and the case against them was proved by sufficient evidence recorded before the enquiring officer. There is no reason therefore to interfere with the order of dismissal in their case.

8. Accordingly my award is that so far as Shri Dudhnath Ahir, Fireman, Sri Attarlal Mondal, Line Mistri and Sheo Kumar, Line Mazdoor are concerned, their dismissal by the management of Babisole Colliery with effect from 15th February 1965 was justified and they are not entitled to any relief. So far as Ananda Bose, Fitter, Helper, is concerned, the dismissal is not justified as it was victimisation for trade union activities and therefore I direct that he be reinstated within one month of the publication of the award. For the period of unemployment between

15th February, 1965 until he is taken back, he will receive an allowance at the rate of 1/4th of his pay and other emoluments.

Dated,

21st June 1967.

(Sd.) S. K. SEN,

Presiding Officer.

[No. 6/4/66-LRII.]

S.O. 2277.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora (Dhanbad) and their workmen, which was received by the Central Government on the 26th June, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of a Reference under Section 10(1) (d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 8 OF 1967

PARTIES:

Employers in relation to the Sijua Colliery of M/s. Tata Iron and Steel Co. Ltd.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata Rao.—*Presiding Officer.*

APPEARANCES:

For the Employers.—Shri S. N. Singh, A.C.P. & W.O

For the Workmen.—Shri B. N. Sharma.—*President.*

STATE: BIHAR.

INDUSTRY: Coal

Dhanbad, the 19th June 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd., Jamadoba, P.O. Jealgora (Dhanbad) and their workmen, by its order No. 2/24/64-LRII dated the 29th February, 1964, referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the management of Sijua Colliery of Tata Iron and Steel Company Limited, Jamadoba, Jealgora Post Office, were justified in dismissing Shri Narain Koiri, Mining Sirdar from service of the colliery? If not, to what relief is he entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the Reference as reference No. 27 of 1964 on its file. Parties filed statements of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967, under Section 33(b) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as Reference No. 8 of 1967.

3. The workman is represented by Shri B. N. Sharma, President, Congress Mazdoor Sangh, Bihar and the management by Shri S. N. Singh, A.C.P. and W.O.

4. In the statement filed by the management a preliminary objection is taken, challenging the jurisdiction of the Tribunal on the ground that the dispute referred to the Tribunal is an individual dispute and not an industrial dispute. The reason shown is that the dispute between the workman Shri Narain Koiri is neither supported by a substantial number of workmen of the colliery nor their union. In the statement filed on behalf of the workman it is asserted that the dispute is an industrial dispute and not an individual dispute and that the dispute is supported by majority of workmen of Sijua Colliery as well as the Congress Mazdoor Sangh, Bihar, of which the workman Shri Narain Koiri is a member. It is now well settled that an individual dispute also can become an industrial dispute if it is espoused by a union or a substantial number of workmen. But such a union or body of workmen should have a recognised nexus with such dispute. In such a case the test is whether a substantial body of workmen in the concerned establishment or industry are fighting their employer over the employment or non-employment or terms of employment or conditions of labour. If the evidence and material on record is not sufficient to establish the fact, the reference cannot be considered valid and the Tribunal will have no jurisdiction to entertain it. As the very jurisdiction of this Tribunal to proceed with the reference is challenged, I have decided to dispose of the preliminary objection before considering the reference on its merits.

5. On behalf of the management a witness, MW1 is examined and Exts. M1 to M3 are marked. On behalf of the workman also a witness, WW1 is examined and Exts. W1 to W11 are produced. Admittedly, the workman Shri Narain Koiri is dismissed from service with effect from 30th May, 1963. Shri B. N. Sharma, President of the Congress Mazdoor Sangh, Bihar examined as WW1 has deposed that the Sijua Branch of the Sangh (Union of the colliery of the management) was formed on 29th September, 1963 and that the workman Shri Narain Koiri is one of the members of the union. He has pointed out Sl. No. 155 of the Membership Register of the Sijua Branch, Ext. W11. The name against Sl. No. 155 is "Narayan Kairu", whereas the name of the workman involved in the dispute under Reference is "Narain Koiri". From the Register it appears that he was enrolled as members on 10th February, 1963 but counterfoil Receipt Book is not produced to corroborate the entry. The Register contains names from 1 to 205. Sl. Nos. 1 to 138 seem to have been enrolled only on one date i.e. 10th January 1963, Sl. No. 139 to 181 on 10th February 1963 and Sl. No. 182 to 205 on 10th March, 1963. All the 205 members are enrolled only on 10th of each month and in three batches i.e. in January, February and March. Although the members appear to have been enrolled on three different dates, the writing and ink of all the entries appear to be the same, supporting the contention of the management that the entire Register is written only in one sitting. At the end the register is signed by one Ram Narayan Singh, describing himself as Secretary Congress Mazdoor Sangh (Bihar), Sijua Branch. As per the letter, Ext. M2 Shri Satya Narayan Singh appears to have been elected as the Secretary. But there is no reference to Ram Narayan Singh anywhere in Ext. M2. Shri B. N. Sharma, WW1 does not also explain who Ram Narayan Singh was. Neither Shri Satya Narayan Singh said to have been elected Secretary on 29th September, 1963 nor Ram Narayan Singh is examined to explain the entries in the Register. The scribe of the register also is not examined. On behalf of the workman five affidavits are filed. But one of them shows that the workman Shri Narain Koiri became a member of the Sijua Branch of the Congress Mazdoor Sangh, Bihar at any time before the reference. For these reasons I cannot accept the register, Ext. W 11 as genuine. The same Register Ext. W11 was produced and marked as Ext. W1 in Reference No. 9 of 1964 on the file of the Central Government Industrial Tribunal, Dhanbad and the Presiding Officer in his award, Ext. M3 has refused to accept the Register Ext. W11 as genuine. He has given a number of reasons for his finding. Thus, I find no convincing evidence or proof to show that the workman, Shri Narain Koiri was a member of Sijua Branch of the Congress Mazdoor Sangh, Bihar at any time before the Central Government made the reference. There is also no acceptable evidence that any of the workmen of the Sijua Colliery were members of the Sijua Branch of the Sangh before the reference in the case was made or that such members met or passed any resolution that the Branch of the Sangh should sponsor the dispute of the workman, Shri Narain Koiri. No Minutes Book is produced nor any evidence of such a meeting. Shri B. N. Sharma, WW1 says that sometime in the first week of December, 1963 the office bearers and other workmen of the Branch of the Sangh, along with a larger number of workmen of Sijua Colliery approached him to sponsor the industrial dispute of the workman, Shri Narain Koiri. But this vague oral testimony is of no consequence. There is no support to it. Even the affidavits do not support the fact. Hence, I find no proof that the cause

of the individual workman, Shri Narain Koiri was taken up by an appreciable number of the workmen in the establishment or by the union of which they were members at the time of the Reference.

6. It is vehemently argued on behalf of the management that the workman should have been a member of the union of the establishment or his cause must have been sponsored by an appreciable number of workmen of the establishment before he was dismissed. With equal vehemence it is argued on behalf of the workmen that it must have been so before the appropriate Government made the Reference. Each side has cited a number of decisions. But, when the fact of the workman, Shri Narain Koiri becoming a member of the Union, or his cause having been sponsored by an appreciable number of the workmen of the establishment itself is not proved, the question of law raised by the parties does not become relevant. Consequently, the Reference has to be rejected as not one within the Act and therefore beyond the jurisdiction of this Tribunal to entertain it. The preliminary point is decided accordingly. When the Tribunal has no jurisdiction to entertain the reference, it cannot consider it on its merits.

7. I, therefore, make the award accordingly and submit it to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO, Presiding Officer.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE NO. 8 OF 1967

Employers in relation to the Sijua Colliery of M/s. Tata Iron & Steel Co., Ltd.

AND

Their Workmen

List of Documents admitted in evidence for the Employer

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted by consent or on proof	Proved by
Ext. M1	Copy of the dismissal letter dated 23-5-63	5-6-67	Admitted.	
Ext. M2	Copy of the letter No. CMSB/J/390-98/C-(2)/6/63 dated 1-10-63 from Congress Mazdoor Sangh, Bihar to the Manager of the colliery.	Do.	Do.	
Ext. M3	Copy of the judgment in Ref. No. 9 of 64	Do.	Do.	
Distinguishing mark or number.	Description of document & date.	Date of admission	Whether admitted by consent or on proof.	Proved by
Ext. W1	Copy of the constitution & Rules of Congress Mazdoor Sangh	9-6-67	Admitted.	
Ext. W2	A copy of the letter dated 1-10-63 addressed to the Manager, Sijua Colliery regarding office bearers	Do.	Do.	
Ext. W3	List of office bearers elected at Jamadoba Branch	Do.	Do.	
Ext. W4	List of office bearers of Malkera Colliery.	Do.	Do.	
Ext. W5	Failure of conciliation report	Do.	Do.	

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted by consent or on proof	Proved by
Ext. W6	Copy of the letter dated 17-12-63 from Shri B. N. Sharma to the Conciliation Officer (C), Dhanbad-I.	9-6-67	Admitted	
Ext. W7	A copy of the letter dated 31-12-63 from Chief Mining Engineer to Conciliation Officer reg. dismissal of Narain Kolri	Do.	..	WW I
Ext. W8	Certificate of Registration of Trade Union (No. 863).	Do.	..	Do.
Ext. W9	A copy of the letter dated 11-10-58 from Inspector of Trade Union, Bihar to Shri A.N. Pandey, General Secretary of the Sangh	Do.	..	Do.
Ext. W10	Annual Returns for the quarter ending 31-3-62	Do.	..	Do.
Ext. W11	Membership Register	Do.	..	Do.

(Sd). N. VENKATA RAO,
Presiding Officer,
Central Government Additional Industrial
Tribunal at Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE NO. 8 OF 1967

Employers in relation to the Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd.,

AND

Thier Workmen

List of witness examined for the Employer

No. of witness	Name of witness	Date of examination
MW I	Shri R. Chawla	9-6-67

List of Witness examined for the Workmen

No. of witness	Name of witness	Date of examination
WW I	Shri B. N. Sharma	9-6-67

(Sd.) N. VENKATY RAO,
Presiding Officer,
Central Government Additional Industrial
Tribunal Dhanbad.

[No. 2/24/64-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)*New Delhi, the 29th June 1967*

S.O. 2278.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 5A of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints the Secretary to the Government of Maharashtra, Industries and Labour Department, as a member of the Central Board of Trustees, Vice Joint Secretary to the Government of Maharashtra, Industries and Labour Department and makes the following further amendment in the notification of the Government of India in the late Department of Social Security No S. O. 1156 dated the 1st April, 1965, namely:—

In the said notification, in the entries against serial number 13, for the words 'The Joint Secretary' the words 'The Secretary' shall be substituted.

[No. 12(5)63-PF-II.]

New Delhi, the 30th June 1967

S.O. 2279.—In pursuance of clause (a) of section 4 of the Employees' State Insurance (Amendment) Act, 1966 (44 of 1966) the Central Government hereby nominates Shri Jaisukhlal Hathi, Minister for Labour, Employment and Rehabilitation, Government of India, and Shri S. Chandrasekhar, Minister for Health and Family Planning, Government of India, to be the Chairman and Vice Chairman respectively of the Employees' State Insurance Corporation and makes the following further amendments in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment No. S.O. 2551, dated the 9th August 1966 namely:—

In the said notification.—

(a) under the heading 'Chairman' for the entry against serial No. 1 the following entry shall be substituted, namely:—

"Shri Jaisukhlal Hathi, Minister for Labour, Employment and Rehabilitation, Government of India"

(b) under the heading 'Vice-Chairman' for the entry against serial No. 2, the following entry shall be substituted, namely:—

"Shri S. Chandrasekhar, Minister for Health and Family Planning, Government of India."

[No. F. 1/11/67-HI].]

S.O. 2280.—In pursuance of the proviso to sub-section (1) of section 10B of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby specifies the officers mentioned in column 1 of the Table below as officers to whom written notices may be given under the said proviso for the purposes of the Coal Mines Bonus Schemes framed under the said Act, in respect of the areas specified in the corresponding entry in column 2 thereof.

TABLE

1	2
1. Regional Labour Commissioner (Central), Calcutta	The States of West Bengal (excluding the Civil districts of Burdwan, Birbhum, Bankura and Purulia), Assam, Nagaland and the Union territories of Manipur and Tripura.
2. Regional Labour Commissioner (Central), Asansol	The State of Orissa and the Civil districts of Burdwan, Birbhum, Bankura and Purulia of West Bengal.
3. Regional Labour Commissioner (Central), Dhanbad	The State of Bihar.
4. Regional Labour Commissioner (Central), Jabalpur.	The State of Madhya Pradesh.
5. Regional Labour Commissioner (Central), Bombay	The State of Maharashtra.
6. Regional Labour Commissioner (Central), Hyderabad.	The States of Mysore and Andhra Pradesh.
7. Regional Labour Commissioner (Central), Ajmer	The State of Rajasthan.

New Delhi, the 3rd July 1967

S.O. 2281.—In exercise of the powers conferred by section 73F of the Employees State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 2354 dated the 27th July, 1966, the Central Government hereby exempts the Government Text Book Press, Mysore from the payment of employer's special contribution leviable under chapter VA of the said Act for a further period of one year with effect from the 29th June, 1967.

[No. F. 6/19/66-HI.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

ORDERS

New Delhi the 27th June 1967

S.O. 2282.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Life Insurance Corporation of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal of which Shri J. S. Ranawat shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether Shri Kailash Chand Patni an employee of the Life Insurance Corporation of India, Ajmer, is entitled to promotion to the post of Section Head with effect from the 27th December, 1961? If not, to what relief is he entitled?

[No. F. 70/13/66-LRIV.]

New Delhi, the 30th January 1967

S.O. 2283.—Whereas the employers in relation to Bombay Port Trust, Bombay and their workmen represented by Bombay Port Trust Railwaymen's Union, Bombay are parties to an industrial dispute and have jointly applied to the Central Government for reference of the industrial dispute that exists between them to a Tribunal in respect of the matters set forth in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the persons applying represent the majority of each party;

NOW, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said industrial dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

(a) Whether the demand of any or all the categories of workmen of the Railway Engineering Section for an unclear Allowance for working on the B.P.T. Lines from Gowari level crossing to Raoli Junction (and in any adjacent areas, if such areas are affected) on the ground of insanitary conditions is justified having regard to the steps taken by the Port Trust in the matter? If so, to what relief are they entitled and from what date to what date?

(b) Whether the workers who have refused to work on Lines and in the areas referred to in paragraph (a) above on the ground of its insanity condition should or should not get the wages for the occasions of their refusal?

[No. 28(23)/67-LRIII.]

S. S. SAHASRANAMAN Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 20th June 1967

S.O. 2284.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (No. 44 of 1954) the Central Government hereby appoints Shri Manohar Lal J. Tahillani in the Office of the Regional Settlement Commissioner, Bombay as Assistant Settlement Officer for the purposes of performing the functions assigned to such officers by or under the said Act with effect from the forenoon of 16th May, 1967.

[No. 8(2)AGZ/67.]

A. G. VASWANI,
Settlement Commissioner (A) &
Ex-Officio Under Secy.

